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IN DEFENCE OF THE REGALIA



IN DEFENCE OF THE REGALIA

1651-2

BEING SELECTIONS FROM THE FAMILY PAPERS
OF THE OGILVIES OF BARRAS

EDITED, WITH INTRODUCTION, BY

REV. DOUGLAS GORDON BARRON

M.A., F.S.A. (Scot.)

EDITOR OF "THE BARON COURT BOOK OF URIE" FOR THE SCOTTISH HISTORY
SOCIETY

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PREFATORY NOTE.

THE Family Papers of the Ogilvies of Barras, in common with similar accumulations, are necessarily of unequal interest and value. In dealing with them I have sought to reproduce whatever touched the story of the defence of the Regalia, subsequent to their committal to Dunnottar Castle in 1651.

With this object in view, I have not scrupled to include certain documents which have been already printed, the omission of which would have left the present compilation incomplete ; nor, as occasion offered, have I hesitated to avail myself of such extraneous sources of information as have been placed at my command.

The extracts from the Clarendon State Papers, preserved in the Bodleian Library at Oxford, throw light upon a hitherto neglected portion of the narrative. For other supplementary matter I gratefully acknowledge my indebtedness to the Senatus of the University of Aberdeen, to Sir Patrick Keith Murray, Bart., of Ochtertyre, and Mr. Patrick Keith Murray, W.S., Edinburgh, and to the Rev. William Disney Innes of Cowie.

I desire to put on record my appreciation of the kindness of the Right Hon. the Earl of Kintore in affording me facilities to examine certain MSS. in his possession. I have received invaluable help from William Alexander MacNaughton, M.D., Medical Officer of Health for Kincardineshire, to whom I owe the Genealogy of the Ogilvies, and who has otherwise assisted me in countless ways. To Mr. James Mitchell, Solicitor, Stonehaven, I am likewise much indebted. His services have been continually at my disposal, and on his knowledge of the early styles of writs and kindred matters I have consistently relied. Among others who have placed me under obligation are Miss Paterson, Birkwood, Banchory, Mr. F. Gambier Parry, Oxford, Mr. W. B. Cook, Blar-Uallais, Stirling, Mr. P. J. Anderson, of the Aberdeen University Library, and the Rev. William Cruickshank, Minister of Kinneff. My warmest thanks are also due to Mr. William Smith, junior, Aberdeen, and Mr. William Duthie, Stonehaven, who have supplied the illustrations.

D. G. B.

DUNNOTTAR, 1910.

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MAP of
STONEHENGE AND NEIGHBOURHOOD
IN 1650

The map illustrates the geographical layout of Stonehenge and its vicinity in the mid-17th century. Key features include the North Sea to the east, the River Avon to the west, and the River Wiltshire flowing through the center. Numerous settlements are marked, such as Stonehenge, Amesbury, and Salisbury. The map also shows the River Stour and the River Wiltshire. A compass rose is located in the bottom right corner, and a scale of miles is provided at the bottom.

NORTH
SEA

INTRODUCTION.

THE defence of Dunnottar Castle in 1651-2, when the Cromwellians under General Overton and his successors in command unsuccessfully attempted to obtain possession of the Regalia of Scotland, will always be remembered as one of the few brilliant episodes of Royalist resistance.

It is to be regretted that an achievement, in itself so praiseworthy, should have eventuated in a miserable and unseemly controversy, in which we find those chiefly interested descending from the lofty platform of loyal and disinterested service to chaffer for acknowledgment and reward.

So far, the evidence accessible has been of such a character as to render it extremely difficult to fix responsibility, or to declare which party was entitled to the recognition both so loudly claimed. That the quarrel was initiated by the Dowager Countess Marischal in the interests of her son ; that it was pursued, with obvious conviction of the justice of his cause, by George Ogilvy of Barras, who had been Governor of Dunnottar during the investment ; and that, after the lapse of forty years, it culminated in an act of intolerant and harsh reprisal, was practically all that could be said regarding it. For while, in the end, the Barras faction were severely worsted, their defeat could quite as reasonably be accounted for by disparity of rank and, consequently, of

porary relief from the increasing tension under which they laboured to preserve appearances, and to control the feelings of suspicion or of disapproval which they dared not openly express.

Meanwhile it had become a question how, previous to setting out, they might bestow those properties of national significance and value which still remained to them amid the general confusion and defeat. Within a week of Charles' coronation, it was judged expedient "that the Publike Registers of the Kingdome that wer in Edinburgh Castle, should be carried by sea to Dunnotyre."¹ And, on 6th June, the Insignia of Royalty, provision for whose safe disposal, elsewhere, was no longer forthcoming, were formally surrendered to the Earl Marischal, with instructions that they too be taken to his Castle, and deposited within the shelter of its walls.

It seems, indeed, as if this one expedient exhausted, for the moment, in the minds of those entrusted with affairs, the possibilities of national security; for presently there came to be committed to the Earl's keeping a variety of other articles, which the foresight of their usual custodians suggested to be safer with his Lordship than in the depositories that had sufficed to shelter them in happier times. These embraced, in addition to the private papers of King Charles, together with his household plenishing and other valuables, the principal muniments of the Duke of Hamilton, the records of the General Assembly, and the Charters of St. Andrews University, with what were probably the Maces of her Colleges.

¹ Balfour's "Annales of Scotland," Vol. IV, p. 237.

The conveyance of the Regalia to Dunnottar—a difficult and trying task, since it must needs be carried out beneath the eyes of the Cromwellian troopers—was entrusted to a “Mrs. Drummond of Moneydie,”¹ whose services on this occasion are entitled to a recognition which they have not hitherto received. Attired as an ordinary country woman, and mounted in a fashion suitable to her supposed condition, this lady made her way northward, visiting the various market towns which lay along the high road, where, apparently, her one concern was to dispose of a huge sack of wool which she carried with her, and in which the Honours were ingeniously concealed.

More speedy in his movements, Marischal had anticipated her arrival, and was busied in providing for the adequate fulfilment of the responsibilities he had assumed. His first care was to provide a suitable Lieutenant, who should act for him during his frequent absences from the Castle, occasioned by attendance at the meetings of the Estates. Choice fell on George Ogilvy of Barras, whose father, William Ogilvy, had acquired, in wadset, the small barony of Lumgair, distant about two miles from Dunnottar, and, curiously enough, the original seat of the Falconers of Halkerton, whose representative married Catherine, elder daughter and heiress of the second Earl of Kintore.²

In spite of what has been asserted to the contrary, the Ogilvies were of good descent, and possessed of a fair claim to social standing, being honourably connected with the leading branches of the noble family whose name

¹ “The Safety of the Honours,” p. 78, and *infra*, p. 164.

² Chalmers’ “Caledonia,” Vol. I, p. 541.

they bore. Like many other Scotsmen of his time, George Ogilvy had been a soldier of fortune, and in that capacity had served, with credit and distinction, in the German Wars. Returning, prior to 1630, he married Elizabeth, daughter of John Douglas of Barras, fourth son of William, Earl of Angus. Although infest in a small property in Forfarshire, he seems to have preferred to live within his native County, and, accordingly, secured on lease the lands of Nether Criggie, in the barony of Fetteresso.¹ His purchase of Barras, some years later, did not interfere with this arrangement, and Criggie Manor Place remained the residence of the family until 1679.

In selecting a Lieutenant the Earl Marischal was doubtless largely influenced by personal esteem for Ogilvy, whom, it is evident, he held in intimate and close regard. His letters, some of which survive, are couched in terms which imply the friendliest relations, and, after all these years, there lingers, in their quaint and homely phrasing, an atmosphere of *camaraderie* and affection which the lapse of centuries has not impaired. Nor could events, still present to his mind, have failed to strengthen and confirm the opinion that his friend would more than justify the confidence which he reposed in him. They had been together in the South; they had fought their way together through the carnage and defeat of Preston; and the chances are that Marischal had already had occasion to appreciate the courage and resourcefulness of one whose soldiering had been taught

¹ The barony of Fetteresso was held in jointure by the Countess Marischal.

him by so competent a leader as the great Gustavus. It may be that he had even gained some inkling of those deeper qualities of mind and character which lay beneath the quiet thoughtfulness of Ogilvy, who seems to have been a man of more than ordinary reticence and self restraint.

The latter's Commission is dated 8th July, 1651. Six weeks later, Marischal, passing with several other gentlemen to a meeting of Estates, was captured by the Cromwellians at Alyth, and carried prisoner to London. Foreseeing what would follow his arrest, he had contrived to send a messenger to the Countess, with the key of the strong-room in which the Regalia were lodged, desiring her to deliver it to Ogilvy, with his instructions to assume the Governorship and hold Dunnottar for the King.

This Commission her ladyship discharged, opening, we are told, the repository of the Honours with her own hands, and formally committing them to his keeping.

It is of importance, however, to remark that here her responsibility in the matter ended; and her subsequent withdrawal shows that, personally, she recognized the fact, and had no wish to quarrel with it. Had things been otherwise, or even had her interest in the Regalia been as loyal and wholehearted as she afterwards represented, she would unquestionably have remained within the Castle, at this critical and trying juncture, to second, by her influence, the efforts which Ogilvy was forthwith called upon to make for its provision and equipment.

As matters stood, the outlook was sufficiently depressing. In consigning the Honours to Dunnottar,

Parliament had undertaken to allow "fourtie men, a Leiutenant, and two seriants to be enterteand wthin it vpon the publick charge".¹ Whether this provision was intended merely to supplement the garrison which Marischal was himself required to furnish is not obvious; but the Governor's repeated statement, that a considerably larger force was requisite to put the Castle in a state of adequate defence, goes far to favour that assumption. Meanwhile, the obligation, be it what it might, appears to have been studiously disregarded. Ogilvy complains that he is undermanned; that he is short of military stores; of food supplies, and other necessities; that the Heritors, throughout the shire, repudiate their liability to help him; and, above all, that of six hundred bolls of meal, which Parliament had guaranteed, only one half has reached him—the remainder being sold by the Estates in Aberdeen.²

Such conduct, on the part of the Estates, is presently accounted for, when, on 31st August, instructions are received to surrender the Regalia to the Laird of Innes, that they be taken to a place of greater safety in the Highlands.

Overawed by the success of the Cromwellians, the authorities had changed their plans: or, perhaps, it were more accurate to say, that they had been reduced to such a state of helplessness and indecision as rendered them incapable of following any definite and reasonable line of policy.

Admitting this, however, and making every possible allowance for the opinion he had formed of their lack of

¹ *Infra*, p. 81.

² *Infra*, p. 102.

courage and determination, it is impossible to justify the Governor's declinature to accede to their request, repeated, as it was, a fortnight later, through their accredited representative, Balcarres. Nor do the explanations which he offers to that Nobleman, and to Loudoun, the Lord Chancellor, do more than indicate that he had placed his private judgment above theirs, and was resolved to act on it. The plea, that no sufficient warrant for delivery of the Honours had been given, and that he was prepared to do as they desired, should such be forthcoming, must be construed in light of his renewed appeal for subsidies, and the avowal that, if properly provisioned, he is prepared to hold the Castle "wnder God aganest all Ingland".¹

On the other hand, there is no indication that either Loudoun or Balcarres viewed with serious disfavour the attitude assumed by Ogilvy, provided they were able to divest themselves of personal responsibility regarding it. They offer him advice: they do not threaten to enforce obedience. Not only so, but, in writing to Sir John Smith, requiring him to furnish the remainder of the stores he had contracted to deliver at Dunnottar, the former practically accepts the situation and agrees to further it.

Loudoun's reply is written from Finlarig, to which the Committee of Estates had seen occasion to retire, in view of the Cromwellian advance on Aberdeen; and the presumption is that, when it was despatched, affairs had reached a point at which submission, on the part of those who still professed to represent the interests of the

¹ *Infra*, p. 101.

King, appeared inevitable, and when, accordingly, the writer argued, the security of the Honours was as problematical in one place as in another. If, however, the Governor was prepared to take upon himself the odium which would indubitably follow their surrender to the party of the Commonwealth, Loudoun was astute enough to apprehend the full significance of such a course, as it affected both himself and others. Refusal to obey their mandate would obviously free him and his friends from a responsibility which, as matters shaped, might gravely hamper them in making terms with the Lord Protector. There was no good reason, therefore, to insist, or push things to a perilous extreme, occasioning unnecessary heat and bitterness. "So haueing given yow the best advyce I can at present," he concludes, "I trust yow wil wt al caire and faithfulness be ansrable according to the trust committed to yow, and I shal stil remaine your verie assured and reall freind."¹

Our reading of the situation implies that, from his point of view, the Governor had likewise grasped the true position of affairs, and was persuaded that, only in his hands, had the Regalia a chance of safety. The letter which he subsequently addressed to Charles bears this out, and indicates that it was distrust of the Estates, "who now haue submitted themselves," which induced him to maintain his ground in deliberate defiance of their orders.²

An ungenerous assertion, made long after the event, that this decision to retain the Honours, come what might, was arrived at under pressure of the stripling brother of

¹ *Infra*, p. 106.

² *Infra*, p. 110.

the Earl Marischal,¹ may be summarily dismissed as an impertinence, which the irritation of a bitter personal encounter provoked, but cannot possibly condone.

The formal break with the authorities, which we have just described, necessarily disposed of any expectation Ogilvy might still have entertained of profiting by their assistance. At the same time, he appears to have deeply resented the disaffection of a portion of the Marischal tenantry, who, under the influence of Lord Huntly, persisted in refusing to fulfil their legal obligations. Referring to this circumstance, he writes: "If it wold pleas the Comitie of Estait to liberat the Earll Marshall and his mother, ther lands in Buchane Mar and Mearns, frome the Marquis of Huntlie and wyrs, ther leuys, and apoynt them for the garison of this hous, they wilbe as many men as I sall desyr for the defence".²

A record of the soldiers, under Ogilvy's command, shows that, previous to the capture of the Earl Marischal, only four men had been enrolled. His retainers in Dunnottar and Urie subsequently contributed eleven; while the lands of Fetteresso provided fifteen, and the "Barones in the Shyre" twenty-four. Left to muster the remainder, as he might, thirteen were added to the hosting at the Governor's initiative. These, along with Colonel David Leighton, second in Command, and three others, mentioned elsewhere, made up the total strength to sixty-six. Supernumeraries included John Keith, the Earl's youngest brother, then a lad of six-

¹ John Keith, subsequently created Earl of Kintore.

² *Infra*, p. 103.

teen; Mr. Andrew Henderson,¹ afterwards Minister at Deskford; and Robert Douglas, whose identity is doubtful, but who was probably the Laird of Bridgeford. Shorthanded Ogilvy still was, and to a serious extent, if we accept his estimate that a hundred men were needed to maintain the fortress; but, even so, he was considerably better furnished than popular tradition, founded on the statements of Sir David Ogilvy, would have us to believe.

To what extent, and by what means, the Castle was provisioned cannot be determined; though we may well imagine that the difficulties encountered, under this important head, were no less formidable. The Estates had failed him, and while the Marischal tenantry, in the immediate neighbourhood, appear to have contributed their quota, it is clear, from Ogilvy's own statement on the point, that the supplies he drew from this one friendly source were insufficient for his purpose. Why otherwise did he complain, to Lord Balcarres, that the shire of the Mearns, which had sent him men, refused him maintenance? "They will not acknowlerg us," he says, "ane peney."²

Of military stores we have no mention, except in Ogilvy's repeatedly expressed desire that they be so increased as to render the position tenable. That this

¹ It is probable that Henderson may have occupied the position of tutor to young Keith, and had elected to remain with him and share the dangers of the situation. From the Burgess Register of Aberdeen we learn that Sir John Keith and Mr. Andrew Henderson were together admitted Burgesses of that City on 26th October, 1660. —New Spalding Club, "Miscellany," Vol. II, p. 416.

² *Infra*, p. 100.

was even partially accomplished is extremely doubtful, and we are open to assume that he was left to make the best of what inadequate equipments were present in the Castle, at the outset—details of which are furnished in the *Inventory of 1660*.¹ On the other hand, he had no lack of Ordnance. Dunnottar mounted no fewer than forty-two guns, and, while it may be shown that most of these were trifling pieces, disposed to cover and defend the Gateway, the presence of much weightier material suggests that, given wherewithal to serve them, the defenders had it in their power to suitably impress an enemy, who were accustomed to regard such warlike engines with respect. Indeed, it was the presence of these guns, judiciously recalled by Ogilvy, if necessarily at frequent intervals, which formed his one asset for defence, inducing the Cromwellians, as it did, to hesitate in pushing their attack, till the arrival of their siege artillery, then lying at Dundee.

As early as the middle of September, the English, under General Overton, had made their appearance in the neighbourhood, and had taken up their quarters at Fetteresso. But, for a time, investment of the Castle was not seriously aimed at—the intruders being seemingly content to harry the surrounding country, and, where possible, to frustate Ogilvy in his attempts to bargain for, or to appropriate, the farm produce, now becoming marketable.

Gradually, however, the opposing force closed in on the devoted garrison. The Leaguer on the Black Hill was prepared and occupied ; what cannon they possessed

¹ *Infra*, p. 87.

were carried thither, and disposed to best advantage ; and a state of siege proclaimed.

On 8th November—five days after the defeat at Worcester—the Governor received a formal summons to capitulate, under threat that, should he fail to do so, his own, and the remainder of the Earl Marischal's houses, in the district, would be destroyed. Ogilvy's reply is brusque and soldierly. He informs Overton that he has his commission directly from the King—a straining of the truth apparently designed to safeguard the Earl's property—and that, till further orders from his Majesty, he is prepared to hold the Castle, come what will. Nor does the puritanical assumption of the Roundhead General, that God Almighty had hitherto made the English arms "successfull againste yo^r moste considerable cittadell^s," contribute, in the least degree, to weaken his determination. The Covenanting atmosphere, in which he had been reared, enables him to challenge Overton's monopoly of such a line of argument. He, too, can claim the Deity upon his side, and ready to uphold and further his contention. "The successe you have hed in former tym^s," he writes, "shall no vyse move me to the contrer, for I knou that the lord is aboue you to vwhose providence I intrust myselfe."¹

A second summons to surrender, received from Colonel Dutton on 28th November, evoked a no less spirited rejoinder.

It is interesting to observe how Ogilvy revised this latter note, and modified what his first impulse moved him to insert, with reference to Dutton's arrogant and

¹ *Infra*, p. 105.

perilous assumption of Divine co-partnery in warlike enterprise. The contemptuous assurance—"than to any love he hath had to yow—" was better absent; but it reveals the attitude the writer entertained towards the pharisaical pretensions of the English Sectaries.¹

While thus presenting a bold front to his opponents, the Governor must have been supremely conscious of the desperate chances of the situation, and of the constant jeopardy in which he stood—solely dependent, as he was, upon the failure of the enemy to realize the true position of affairs, for the continuance of a defence, which could not otherwise have been maintained. By no possibility could the besieged have offered anything beyond a nominal resistance had they been compelled to expend what ammunition they possessed, with the alternative of meeting Overton's enormously superior force at scaling distance. A week of pushful tactics on the part of Overton had seen their stores exhausted, and Dunnottar crushed by the sheer weight of numbers.

It is equally the case that, had the English Parliament provided Overton with a suitable vessel to police the coast, thereby cutting off the garrison from the supplies they still continued to procure by sea, the same result would necessarily have been reached, more leisurely indeed, but without the "effusion of blood" both parties deprecated. That the besieged retained, from first to last, a practically unchallenged highway of communication with the outer world, and that they used it, and with good effect, the Barras Papers unmistakably demonstrate. Two letters from General Walley, for example, bear this

¹ *Infra*, p. 108.

out. They are dated February 1652, and treat of an exchange of prisoners. We learn that, some short time before the latter wrote, a detachment from Dunnottar, probably intent upon securing provender, had visited Stonehaven, and, encountering three English troopers, had conveyed them, man and horse, into the Castle.

It must have been at a comparatively early stage in the investment, and while permission for non-combatants to pass the English lines appears to have been somewhat freely granted, that an important incident occurred in the romantic story whose outstanding features we have, so far, endeavoured to expiscate. The King's Papers were, admittedly, the most dangerous and compromising of the various articles of trust committed to Dunnottar, and how to dispose of them, in view of possible contingencies, became a matter of increasing interest. It so happened that Ogilvy had with him in the Castle, in addition to his wife and son, Anne Lindsay, who is variously described as a "kinswoman" and "dependent" of Mrs. Ogilvy, and who, presumably, had been retained as her companion. This girl, who possessed a courage far beyond her years, contrived to meet the difficulty. The documents in question, consisting of "*aucht score sexteine severall peises*," having been stitched into a flat belt, were carefully secured upon her person; and in this wise she carried them, beneath the eyes of the Cromwellian guard, to a new place of hiding and security.

Meanwhile, the strain of the investment began to be severely felt, and the thoughts of Ogilvy and his companions turned in the one direction from which assistance might reasonably be expected. In a letter to King

Charles, dated 20th December, the Governor describes the critical condition of the Castle, and suggests how it may be relieved. "The sea is patent," he explains, "wherefore, yo^r M^atie will be pleased tymouslylie to send your royall co^mandementes hither (if it be possible) with a sure hand in a small vessel, wich may come to the foott of the house although the enemie wer in leager about it and deliuer the sam without Danger."¹ This communication was entrusted to John Keith, who embarked in a sloop bound for Holland, with instructions to deliver it, in person, to the King at Paris.

On the 3rd of January, a further challenge to surrender was received; and the fact that it remained unanswered till the 7th is itself significant of what was taking place. So far, the courage and endurance of the garrison had been severely tried. One cannot wonder, therefore, if those, whose personal attachment to the cause for which they fought was, by no means, of the closest and most intimate description, had begun to chafe against the dogged temperament of Ogilvy, conceiving that the time had come when reasonable terms of submission might legitimately be entertained. Of these were Colonel Leighton, and his three confederates, described as Surgeon, Engineer, and Canonier.

It is characteristic of Sir David Ogilvy that he describes what followed as a deliberate attempt upon the life of his distinguished ancestor—a conspiracy designed "to have sacrific'd the Governour, and all under his charge, to the merciless cruelty of the English" being

¹ *Infra*, p. 112.

brilliantly forestalled by the arrest and summary ejection of the mutineers. However serious the trouble may have been, a moment's consideration might have taught him that no one of ordinary prudence would have met it in a way so obviously ill-advised ; since, to dismiss the malcontents, would virtually have insured their passing to the enemy, and revealing what they knew of the defence. This the Governor could not permit, on any terms, and we are prepared to learn that the quarrel, which resolved itself into a mere matter of remuneration, was amicably settled. By an agreement, drawn in Ogilvy's own hand, and mutually subscribed by the contracting parties, Leighton, so far from being driven from the Castle, is confirmed in his office of Lieutenant, "nixt the Gowerner himselff," and held bound not to "remoue therfra till he sall haue his pais¹ frome him"; while Ogilvy, on his part, undertakes "to pey to the said Cornell David Lichtowne monethlie four boolls meill or fourtie punds money"—this without prejudice to any further recompense "it sall pless the kings Majestie or the Earll Marschall to bestowe upon the said Cornell for his guid service".²

Meanwhile the King's reply was anxiously awaited. Weeks passed, and still there came no promise of relief, no word of sympathy or of encouragement. It was evident that something had occurred to hinder Keith's attempt to reach His Majesty. And while we may not, justifiably, assume that he had dallied by the way, or thrown himself, with the abandonment of youth, into the thoughtless gaiety of new surroundings, the account he

¹ *Pais* : pass.

² *Infra*, p. 110.

subsequently gave of hazardous adventure and hair-breadth escape, is clearly open to suspicion of imaginative treatment. On the first of February, the Governor dispatched a second messenger to Paris, bearing a duplicate of his original communication, and, doubtless, designed to impress upon the King, still more emphatically, the critical position of affairs.

March found the Castle still intact. But if ill weather and worse roads had, so far, favoured the besieged, by rendering it impossible for the Cromwellians to transport their heavy ordnance to the scene of operations, it became evident, even to the reluctant mind of Ogilvy, that, with the means at his disposal, the defence could not be maintained much longer. This did not imply, however, that those responsible for its continuance had reached the end of their resources, or that the Honours should be handed over tamely to the English, who had shown so eager a desire to capture them, so faulty and exaggerated a conception of the difficulties by which they were opposed. What could not be safeguarded in Dunnottar, must obviously be disposed of elsewhere. The possibility of doing so was not in question ; the means must be secured.

A belief which has obtained for quite a century, that the Crown was conveyed out of the Castle in the lap of Christian Fletcher, while the Sword and Sceptre, wrapped in a head of lint, were borne behind her by her serving woman, falls to be relegated to the sphere of interested and apocryphal invention ; and we are invited to accept the more probable, if by no means less romantic version of the incident supplied by William Meston, who was

tutor to the Marischal family in the beginning of the eighteenth century, and Governor of Dunnottar during the '15.

To this the reader will more easily resign himself, who studies Mrs. Grainger's personal report of the occurrence, as given in her *Information* to the Privy Council, in 1664. Her story, which contradicts the presently received account in almost every point of detail, is written in a conscious spirit of self-advertisement, and with a wakeful eye to the disbursements, which had been so long and inexcusably withheld.

According to this modest and veracious witness, the Governor knew nothing of the value of the Honours till her husband warned him. He was impressed, however, by the Minister's Assurance that their preservation was of consequence; and, having talked the matter over with his wife, they determined to enlist the services of one well qualified to meet the difficulties of the situation. Accordingly they sent for Mrs. Grainger, who took the Crown and Sceptre—how concealed she does not condescend to indicate—and bore them safely through the English lines. There followed a preposterous ride along the cliff tops, which led her through two populous and thriving villages in her praiseworthy effort to be unobserved. Returning with her maid she took away the Sword, duly secreted in a bag of "hards"; being at pains to draw it first and leave the scabbard still with Ogilvy that there might be occasion for a further journey, in which she carried off the latter separately "in ane sackfull of cods". Apparently the sheath was, to her mind, more cumbrous than the

weapon it protected. If not, why "folden in tua becaus of its lenth and greatnes"?

Contrast with this the feasible account which Meston offers. It was arranged, he tells us, that Mrs. Grainger's servant "should come to the side of the Rock on which the Castle stood towards the sea on pretence of gathering dulse and tangles, and by coming frequently and rendering herself familiar to Cromwell's soldiers, all suspicion of her would be removed. This had the desired effect, and the Regalia were safely transported from the Castle through the Enemies' Camp hid under dulse and coverings" in the capacious creel which she carried on her shoulders. To this woman, then, and not to Mrs. Grainger, the task of rescuing the Honours was intrusted; and by her efforts, selfishly ignored by those who grasped at the reward her service merited, they found their way into the prudently selected hiding place, which the shrewd thoughtfulness of Mrs. Ogilvy devised. It is significant that on the tombstone in Kinneff Church, where the credit of preserving the Regalia is effusively ascribed to Grainger, the much more dangerous and trying part his wife is popularly represented to have played, receives no word of praise, or of acknowledgment.¹

¹ Of the Parish Church of 1650, few vestiges remain, and nothing that recalls its architectural proportions. All the more welcome, therefore, is the brief description which occurs in Macfarlane's "Geographical Collections". "The Church of Kineff is a very old fabrick, the walls thereof being supported by eight strong butrishes of stone and the rooff by pillars of wood so that probably it is the oldest countrey church presently posses'd and in use of any in Scotland."—"Scottish History Society," Vol. LI, p. 257.

That the removal of the Honours was contrived by Mrs. Ogilvy without the knowledge of her husband is a suggestion which has frequently been made, and, we admit, with some apparent warrant. There is little doubt, however, that it had its source in the loose reasoning of Sir David Ogilvy, backed by the readiness of his opponents to accept whatever promised to detract, in any measure, from the credit which belonged to one whose services it was their interest to minimize. To assert that the Regalia were abstracted from the Castle, while their responsible custodian remained in ignorance of what was taking place, is to prefer against the Governor a charge of criminal neglect in dealing with the trust imposed upon him. It is, moreover, to deny the categorical assertion made by Grainger, that his instructions, to proceed to Panmure and acquaint the Countess Marischal with the fact that they had been transported to Kinneff, were received from Ogilvy himself. We cannot credit that the execution of a matter so important was assumed by Mrs. Ogilvy, without the full concurrence and approval of her husband. On one point only, and of purpose, did she act upon her own initiative, namely, in instructing Grainger as to how he should dispose of the great charge committed to his care.

While, therefore, the assertion made in "Barras' Vindication"¹ that "Sir George's Lady convey'd the Honours out of the Castle by her special care and contrivance without her husband's privity and knowledge" is mistaken; the further statement, touching the occasion

¹ Bannatyne Club, "Papers Relative to the Regalia of Scotland," *Vindication*, p. 2.

on which she made known to him the place of their concealment, may be accepted as substantially accurate.

Why Ogilvy should have elected to remain in ignorance upon this latter point bespeaks in him an obstinate integrity of purpose which is, indeed, the keynote of his character, and by which alone his singular fidelity to the cause he had assumed, at the bidding of the Earl Marischal, can be satisfactorily explained. At a time when torture still remained a legal adjunct of judicial inquiry, there were occasions when it appeared to one so constituted that the less he knew the better, since, come what might, he could not be constrained to part with information he did not possess. As touching Mrs. Ogilvy, the case was different: her sex protected her. For, even granting that they had a mind to, the enemy could not afford so far to outrage public feeling as to proceed against her with brutality.

Besides the removal of the Regalia, there falls to be considered, here, an incident whose bearing on the subsequent dispute between the Keiths and Ogilvies imparts to it a more than ordinary measure of significance. We learn that, during the investment of Dunnottar, the Countess Marischal continued to maintain communication with the Governor, and, from the safety of her House of Panmure, to follow keenly the procession of events. It is to be regretted that the "Barras Papers" contain no vestige of her correspondence. We are not in a position, therefore, to pronounce on its design and import, or to determine when her zeal for the successful keeping of the Regalia began to slack. Exception must be made in respect of one epistle, which is calculated to impart

a strangely sinister complexion to the claim for Royal gratitude and favour, which she afterwards preferred. Unfortunately, it is also non-existent, but the Governor's reply remains, and from its tenor we are driven to conclude that, in a self-appropriated rôle of peacemaker, she had presumed to traffic with the enemy, and particularly with Major General Deane, for the surrender of the Castle, and had conveyed to Ogilvy her wishes thereanent. His reply, which, in contrast to his usually frank and open style, is a marvel of circumlocutory diction, conveys, in so far as its invertebrate and laboured phrasings will permit, what was evidently intended as a courteous but definite refusal to accede to her demands, based on the now familiar fiction of inadequate authority. Deane can only make terms, he explains, by consent of the Cromwellian Parliament; while he who had declared to Overton and Dutton that he held his Commission solely from his Majesty, is once again the servant of the Earl Marischal, without whose orders and advice he may not act. "Bot in my waik jugment," he writes, "it wes my Lord's desyr uith Mr. Alexander Pattoune to send thes instructions to his Lordship giv your Ladyship and the rest of the frends think it guid, and them richt and wyse giv he can mak the capitulatione quhair he is, quhair he can hav ane full surtie for quhat he ends for."¹

The full significance of this incident is not apparent without a careful reference to dates. Ogilvy replied to the Countess on 29th March, and, according to his written *Disposition*, it was on the 31st that Grainger visited her Ladyship, at the House of Panmure, and

¹ "Scottish History Society," Vol. XXVI, p. 119.

detailed to her the circumstances attending the removal of the Regalia and their concealment in Kinneff. It is evident, therefore, that when the latter wrote suggesting a capitulation, she was ignorant of the safety of the Regalia, and had discounted their falling into Deane's possession.

Why did Ogilvy not tell her of their safety? A first and obvious reason may be found in his disinclination to commit the fact to writing, lest his letter should miscarry. But a further explanation is admissible in that he had already learned to distrust her and would take no risks. If this be so, then his desire that Grainger should visit Panmure and present the Countess with a written acknowledgment that the Honours were in his possession, was manifestly dictated by the apprehension that, did she learn of their safety in some less formal and official manner, she might communicate the fact to Deane.

Having compassed the withdrawal of the Honours, one might imagine that Ogilvy would have been prepared to terminate a struggle he had no longer any paramount and pressing reason to maintain. On the contrary, he appears to have preserved a stubborn and defiant attitude, which it is difficult to justify on ordinary grounds. In the general submission to the Lord Protector, it could serve no purpose that one isolated fortress continued to hold out for Charles, and in a spirit of exaggerated sentiment, to reject all reasonable overtures of peace. Perhaps he failed to apprehend the obvious futility of further conflict. It is more probable, however, that the question of conditions weighed with him, and

that he desired to ascertain the wishes of the Earl Marischal before committing himself to any definite resolve. Besides, a stroke of luck had modified the situation, and made it easier to induce the soldiers under his command to stand by him a little longer, and so play out the comedy of bluff and bravery, on which they were engaged.

We learn that the winter had been cold and boisterous, and, consequently, there had been little opportunity for the defenders to indulge their predatory instincts, whether in Stonehaven, on the persons of the English troopers, or elsewhere, among the girdles of the Marischal tenantry, who had refused to subsidize their stores. But April brought light seas and temperate breezes, when, under cover of darkness, the beleaguered soldiers might renew those hazardous excursions, which broke, and not ungratefully, as we may well imagine, the enforced monotony they had so long endured.

It so happened that one, George Glendinning, a merchant burgess of Edinburgh, had been collecting victual in the neighbourhood, intending to dispose of it at an approaching market in Bo'ness. With this in view, he had engaged the services of John Young, skipper in Cowie, whose craft was loaded with Glendinning's merchandise, and lay prepared to sail, at any moment, for the Forth. How Ogilvy was made acquainted with this circumstance does not transpire. But it can hardly have been accident that sent an expedition to surprise the trader and bring her in below the Castle, where her cargo was successfully bestowed. We shall hear again, and at more length, of this adventure. Meanwhile, the

supply of victuals, thus appropriated, must have inspired the garrison by placing them, for some considerable time, at all events, beyond all measurable reach of want.

It was not till a month later that negotiations for surrender were actually opened, and then, at the solicitation of the Countess Marischal and her friends, who apparently represented themselves as acting, more or less directly, for the Earl. To Deane, who, in the interval, had been appointed Commander in Chief of the English Forces in Scotland, the Governor recounts the steps which had been taken, and agrees to confirm, in the persons of Sir Robert Graham of Morphie and Sir Alexander Bannerman of Elsick,¹ power and warrant to treat for the capitulation of the Castle, upon honourable conditions.

What, in his opinion, those conditions should embrace he took good care to advertise his deputies. That the King's stuffs be restored to him upon the English charges ; that the Earl Marischal be permitted to return to Scotland, there to live, on his estates, in the enjoyment of his full seigniorial prerogatives ; that he, the Governor, be also reinstated in his lands, and freed from all restraints and sequestrations ; and, finally, that privileges such as these be granted without their natural equivalent in a promise of allegiance to the English Commonwealth—such are the main provisions of a document whose extravagant demands appear, at first sight, to suggest that he was merely trifling, and had no serious desire to reach an amicable settlement.

¹ Bannerman, it seems, refused to act as intermediary, his place being taken by Colonel David Barclay, who in 1648 had purchased, from the Earl Marischal, the wadset of Dunnottar and Urie.

That Ogilvy expected his proposals to be entertained is inconceivable, and it is only when we read between the lines, as, for example, where referring to the Garrison, he says: "I think ther wil be tua Companeyes of them wt compleit officers," that the main object which he had in view becomes apparent, and we perceive that he is still concerned to preserve appearances, and to confirm the opinion which the enemy erroneously entertained, of the efficiency and strength of his equipment. How better could he compass that result than by assuming, as he had so far successfully contrived to do, an aspect of indifferent and easy confidence, that claimed to treat with his assailants upon equal terms?

Apart from this, he may have wished to free the hands of those who acted for the Countess. The terms he submitted surrendered nothing he had undertaken to conserve, when he accepted his Commission from the Earl Marischal. As far as he was personally concerned, therefore, they could count upon his willingness to acquiesce in any settlement they might arrive at, whatever it involved.

A peremptory challenge on the part of Colonel Morgan, dated 14th May, was evaded by the explanation that the matter had already been referred to his superior, from whom the Governor awaited a reply. On the 15th, he received and sanctioned a proposal made by General Deane for the cessation of hostilities that further opportunity might be afforded for consultation with the Earl Marischal's friends. And, the same day, there reached him, under cover of a further note from Deane, a letter from the Earl, whose delivery was rightly deemed of

such importance as to warrant the employment of a special messenger. The terms of this missive must have proved profoundly disconcerting. Marischal explains that he has severed his connexion with the Royalist Party, and has formally attached himself to the Cromwellians. "I find itt my hapines," he writes, "to hau to do with persones of so much honor and Justnes Thatt I am resolved to putt my person fortions houses and all freely into ther handes That I may peaceablye Inioy myselfe and quhatt belongs to me vnder the faver and protection off the Comonwealth of England." Wherefore he instructs the Governor to deliver up his House of Dunnottar to Major General Deane, "Quho is to receaue the sam from you in name of his Excellenci my Lord Generall Cromvell".¹

Perhaps the tone of this remarkable epistle; its fulsome praise of Cromwell and his friends; its squalid outlook—that I may enjoy myself and what belongs to me—revealed to Ogilvy its source and inspiration. In his reply to Deane he openly resents the Earl's being "forced thereto by ye Lord Generall". "Iff it shall please yow," he declares, "to procure libertie to my lord Marischal to come for Scotland in freedome and not as prisoner, I shall be verie much ruled by him, and vpon hono^{ll} conditiones, which I mad knowne to yow befor by the laird of Morphie, shall be content to enter a capitulatione."²

How shrewdly Ogilvy had grasped the situation, the following extract from the records of the Council of State, at Whitehall, must go far to prove: "That it be referred to the Committee of Irish and Scottish affaires or any two of them to conferre with the Earle Marschall of

¹ *Infra*, p. 121.

² *Infra*, p. 122.

Scotland concerning his delivering up of the Castle of Donottour into the possession of the forces of this Commonwealth and upon conference with him to prepare a letter to be sent into Scotland to the Commandr of the Castle and to be signed by the said Earle Marshall and another letter to maior Gen^l. Deane to let him know he is to provide a place of being for his wife and family, And the Lord Presid^t. of the Councell is to signe the said letter as the Committee shall send it prepared unto him.”¹

Following closely on the receipt of Marischal's letter, there must have reached Dunnottar the long expected answer from the King. It was conveyed from Paris by Sir John Strachan, who was instructed to communicate in person the wishes of his Majesty, concerning the disposal of affairs. Charles' reply is, consequently, brief and formal, and, while couched in friendly and appreciative terms, embodies nothing beyond a courteous admission of indebtedness to Ogilvy and those with him in the Castle. A covering letter, sent by General Middleton, is no less guarded; and it is fortunate that we are otherwise supplied with information as to the King's reception of the Governor's dispatch. That he was flattered by the tale which it unfolded, and gratified to know that the Regalia and other valuables were still intact, exhausts, if we mistake not, Charles' interest in Ogilvy, and in the imminent and pressing difficulties by which he is beset. It is true, that, hoping to receive great treasure from the Castle, he “thinkes it just and necessary to send somewhat both to the Governour and Souldyers”;

¹ “Acts of the Parliaments of Scotland,” Vol. VI, part ii. p. 747.

and in all good time, and when it coincides with his convenience, he even promises to furnish adequate relief. But, meanwhile, nothing that the Governor has urged contrives to weigh with him, or interferes with his resolve to profit, still more richly, by a service he already has good reason to be thankful for and to respect. For the moment, it appears, the King was full of a proposal to send troops from Norway, to renew the struggle with the Lord Protector. What better landing-place could be secured at which to concentrate? The castle, therefore, must be held, and by its present garrison, at any cost.

Such, in effect, is his reply. Hyde, who is in sympathy with Charles, and who equally ignores the pressure of the situation, assures Sir Edward Nicholas that the retention of Dunnottar constitutes "the foundation of all the hope for Scotlande". "Ther is roome enough within this Castle," he explains, "to receaue an Army, and it is the very center of the Kingdome, so that as soone as the Summer is ouer, any little succours or greate supplyes of men from Norway may be landed ther, and ther will be care taken to that purpose."

Pending development of his Norwegian plans, and probably to furnish means to prosecute them, the King resolved to send an expedition to secure possession of his household goods. In a letter he prepared for Ogilvy he is careful to impress upon him that, being wholly destitute of such requirements, "it is most necessary they be sent to Vs for our use with all speede". But Hyde, referring to the matter, elsewhere, distinctly indicates that they were destined, not to minister to Charles' comfort, but to replenish his exhausted treasury: nor is it clear

that the Regalia, had they reached the Continent, would not have found their way, along with Charles' plenishing, into that bottomless abyss. "In this Castle," Hyde declares, "besydes the Crowne and Scepter, ther are all the King's rich hangings and bedds, plate and other furniture, to so good vallew, that it is auowed by very good men, who are to be belieued, that if all were in Amsterdam, it would yeeld 20,000*£* sterling . . . such a somme being gott, we may compasse great things." Perhaps it was compunction, on his part, which prompted Charles to empower the Governor, should the removal of the Honours seem likely to discourage and dishearten their defenders, to use his own discretion as to whether he should part with them, or not.

The excerpts from the Clarendon Papers,¹ from which we have been quoting, recount the efforts which were made to reach Dunnottar. A vessel was acquired and its command entrusted to one, General Vandruske, who is described as "a very honest and vnderstandinge person, and full of zeale to the King's seruice". His Majesty and Hyde bestir themselves to push things forward. Letters are written and commissions drafted; the Princess Royal's sympathy, both moral and substantial, is solicited; but all with little measure of success. The matter drags. Hyde writes to Secretary Nicholas, exhorting him to greater diligence, with no effect. It is the 8th of June, however, before the King consents to yield to the inevitable and, we read, "is resolved to suspende the whole matter till he heares more, and therfore he hath by this inclosed discharged Vandruske from farther attendance, and

¹ *Infra*, pp. 123-33.

hath appointed him to deliuer all his dispatch into your handes". The failure of this project left things where they were, save that Hyde's temper was not of the best, and he confesses to a "very skiruy ill humour". Vandruske armed with a "greate packett" of credentials—probably in lieu of pay—departs to seek new service with the "Emperour of Moscow".

In what spirit Ogilvy essayed to meet the King's instructions, or how they influenced his conduct of the negotiations for surrender, we have no evidence to prove. The delay which followed the receipt of Marischal's order to capitulate, may, or may not, have been occasioned by a desire to carry on the struggle till the arrival of Vandruske enabled him to fulfil, in part, the royal mandate; though he could not have been ignorant that his ability to do so was contingent upon circumstances he was, personally, unable to control. The heavy guns, so long delayed in transit, were reported in the neighbourhood; and none knew better than did Ogilvy that, with their arrival, the limit of all soldierly resistance had been reached. Tradition tells how the first shot from Cromwell's murderous artillery struck the summit of the Earl's tower, demolishing the capehouse and killing seven men.

Dunnottar was surrendered to Colonel Morgan, on 24th May, 1652, after an investment of eight months' duration. From a military point of view, the defence had proved itself no mean achievement; and it is gratifying to know that the enemy acknowledged its heroic character in the honourable terms they conceded. The claims put forward on behalf of Charles and the Earl Marischal were of course abandoned; but, in so far as

they referred to the defeated garrison, the ultimate conditions ratified by Morgan were practically identical with those which Ogilvy himself proposed. "With flieing collors tuik or drume, Armes and kindillit maches and all thing befieting men of honor," the Royalist garrison passed outward through the gates they had so long and gallantly defended. But it was a shorn spectacle which met the gaze of the Cromwellian soldiers, when, instead of two companies fully officered, there gathered to the final muster only five and thirty gaunt and jaded veterans, to show what loyalty had planned and valour borne.

One provision of the Articles of Capitulation appears to indicate that Graham or Barclay, presumably the former, knew more of what had taken place, within the Castle, than he was in a position to communicate to those with whom he acted. This knowledge probably inspired the saving clause which guarded the engagement entered into for the disposal of the Honours, viz. : that they were to be handed up to Colonel Morgan, or, failing their delivery, that Ogilvy should give "a good account therof". The latter stipulation he was in a position to fulfil—if in a manner little to the liking of the Roundhead Generals.

One sympathizes, to no small extent, with the chagrin and disappointment of the Cromwellians, when it transpired that they had been outwitted by the Governor, and had failed in capturing what most they sought. The concerted tale which Ogilvy advanced, that the Regalia had been transferred by sea to Paris—backed though it was by the pretended letter from John Keith—was little calculated to establish confidence ; and that Deane and

Morgan should have sought, by every honourable means, to sift the matter on their own account, is only what might have been expected. Nor, in doing so, are we surprised to find that they did not escape the charge of harsh and arbitrary treatment. But there is reason, we believe, to look with some suspicion on the lurid narratives of prison life which have come down to us.

Ogilvy's detention was inevitable, and it is hypercritical to quarrel with the fact that Mrs. Ogilvy was made to share his imprisonment. That both of them were worried and annoyed ; their statements questioned ; and their lives exposed to endless ordeals of cross-examination, goes without saying. It may be, Morgan, acting under orders from his chief, placed, at their prison door, a constant guard to act as eavesdropper, and to exercise, as best he might, a close espionage. The comrade who did duty at their bedside, lest in sleep they babbled secrets, may, we fancy, be dismissed as a refinement. Nor do we think that threats of "boot" and "rack" were quite so serious as has been represented.

On the other hand, the story told of William Ogilvy's escape from Morgan's troopers, when they surrounded Criggie Manor House by night, intent on seizing him, is far too circumstantial to have been evolved, in after years, to bolster up a plea *ad misericordiam*.¹ The "desyre to cruciat" from which he just escaped ; the friendly pedlar of Arbuthnott, "still alive" ; the journey, as this man's apprentice, to the south ; the squalid clothes ; the panic ; the fatigue ; all make for its veracity, and prove that this alarming incident occurred, however much its aim may

¹ *Infra*, p. 177.

have been misinterpreted. If the English, questioning what they had been told, had seriously made up their minds to force the truth, it is but reasonable to suppose that they would have tortured Ogilvy himself, and not his helpless women and dependents. The opposite assumption carries, on its face, the stamp of an improbability so great that we must needs dismiss it. They may have blustered, and have offered bribes—the latter promptly and indignantly repudiated. This they did not do : in the exercise of what they deemed a public duty, they did not permit their irritation against Ogilvy to overrun those chivalrous restraints, which admiration for his gallantry and worth suggested.

Exactly seven months after the capitulation, Deane instructed Morgan to liberate his prisoners on parole ; provided they obtained security for their surrender on demand, and undertook to pass no further than three miles from their own dwelling-house. These conditions were implemented by a Bond of Cautionary, under Graham of Morphie's hand ; and, shortly afterwards, a similar engagement, on the part of Ogilvy's step-brother, James Anderson of Uras, secured for them a further measure of enlargement—to wit, that, under suitable provisions, they might travel “furth of Barras” on their lawful business.

Persistent in his efforts to invest the tale with features calculated, in his judgment, to increase the sum of Ogilvy's desert, we are informed, by Sir David Ogilvy, that, subsequent to this arrangement, the Governor continued to be harshly and ungenerously dealt with ; the letter of his contract to remain at Criggie being rigidly enforced by

the Cromwellians, who, moreover, continued to maintain a jealous watch upon his actions. Thrice was the Manor Place of Criggie overhauled, in the delusive hope that there might be found in it some trace of the much-coveted Regalia.

The evidence before us amply meets a series of statements such as this, and proves that those responsible for his safe keeping did their best to render Ogilvy's detention, on his own estates, as nearly nominal as possible. The various Passes he received, in 1653, have been preserved, and show him constantly upon the move, wherever, and at whatsoever time, convenience dictated. Nor was his freedom subsequently curtailed, if we may judge by a letter from the Countess Marischal, bearing date, December, 1657 ; in which, apparently without misgiving as to ways and means, she anticipates his presence at Montrose, at Conveth and Bolshan—thereby implying that he was as free to move abroad as she to claim his sympathy and service.

Nearer the mark is the assertion, also made, that, presuming on the chance of their not being able to command the customary weapons of defence, the "genrality of the Countrey and Neighbourhood look't upon Sir George and his Lady as Forlorn Persons," and did not scruple to prefer against them diverse claims, to their vexation and impoverishment.¹

It is in this connexion we again encounter George Glendinning, and learn the sequel to the Governor's piratical attack upon his merchandise. On 23rd July,

¹ Bannatyne Club, "Papers Relative to the Regalia of Scotland," *Vindication*, p. 6.

1653, the former appears, before the Commissioners for Administration of Justice to the People of Scotland, in prosecution of a suit for over £1600, alleged to be the loss sustained by him through a "most wrongous intromission" with his property. The case, which is described at length, and which discovers various interesting features, eventually turns on the point that Ogilvy, and his wife—the latter curiously enough associated with her husband in the charge—do not appear to give their "oath of verity," as cited. Pursuer's claim is, consequently, held to be made good, and decret passed for the amount, with all the customary powers of summary procedure for recovery. It is instructive to remark that, here, at all events, the Governor had cause to thank the magnanimity of those who have been represented as his persecutors. Both Lilburn and Morgan interpose on his behalf—the latter in particular explaining how, at the capitulation of Dunnottar, he had undertaken to restore what had been seized, and actually producing a receipt for re-delivery.

So far, Glendinning's avarice was foiled, and warrant to pursue suspended on the ground that he had had recourse to what is euphemistically described as "indirect dealing". It does not follow, however, that we have, thereby, heard the last of an unworthy and discreditable incident. To argue so were to confess oneself unversed in the litigious spirit of the times, encouraged, as it was, by the proverbial uncertainty of legal processes. It is evident that pursuer had his friends at Court, and trusted to their influence to straighten matters. A petition for a further hearing, on the plea that only a proportion of

the victual was restored, was met by Morgan with the affidavit of George Robertson, a soldier charged by Captain Garner with the task of emptying the gurnels. The malt was injured, is Glendinning's next excuse ; was spoiled by straw, mud, rotten biscuit and the like ; nay, Garner was himself the thief, and had, on more than one occasion, taken of the stuff to feed his soldiers. It is somewhat difficult to understand how, in the end, the Commissioners found for the pursuer in the modified award of £480. "Yee need not expect a groat doune of what is dew," Glendinning writes, "I desyre you to pay it wt all haist, for the longer yee keepe it the annelles will be the more."

We have described this process at some length, believing that it was no isolated case, but typical of others which occurred, not only to destroy his peace of mind, but to add, indefinitely, to the amount of Ogilvy's material embarrassments. There is little doubt that, by this time, his financial position had been gravely compromised ; and when his lady died, in April, 1656, we learn that any fortune she may have possessed had gone to pay the tribute fate imposed upon her loyal and devoted service.

It is said that service cost her life : that the privations of the siege, the terrors of imprisonment, the anxiety and constant dread of some disclosure which might lead to the discovery of the Honours, so wrought upon her mind that she "grew hectic," falling, in the end, a prey to wasting sickness.

We regret that our authorities furnish no material from which to construct a picture of Elizabeth Ogilvy.

With all the courage of her Douglas blood, how moved she through those scenes we have described? how carried she the weight of gruesome threats, and wearing and continuous discomforts? High-spirited and fearless, we must bid her pass, recalling, only, Morgan's soldierly and brief encomium—"She was the most Resolute and Undaunted Woman e'er I spoke to".

One further incident demands attention. In February, 1654, John Keith returned from the Continent, intent on joining Middleton, who had been appointed to assume command of the Glencairn Rising. Landing in Fife, in the disguise of a Dutch merchant, he was at once arrested; but, effecting his escape, he hastened to the North, where he continued with the Royalists, till the disastrous reverse encountered at Lochgarry.

Whatever may be urged in his disfavour on account of the apparent slackness he displayed in fulfilling Ogilvy's commission to King Charles, it cannot be asserted that, on this occasion, Keith proved himself unmindful of the part he had been called upon to play, or failed to act with loyalty and courage. Anticipating complications, he persuaded Middleton to furnish him with a receipt for the Regalia, purporting to have been subscribed at Paris; and this he afterwards produced, when, included by General Monk in the capitulation granted Lord Montrose, he was interrogated by Cobbet, at the instance of the Lord Protector, as to the truth, or otherwise, of Ogilvy's assertions. Too late to take a part in saving the Regalia, or even, as it has been claimed, to compass the release of those who did so, he, in this wise, discharged a service to the Royal cause which well entitled him to

honour and preferment. In confirming Ogilvy's report that he had been entrusted to convey the Honours to the King, and in producing evidence, which the Cromwellians were willing to accept, that he had done so, he slackened, if he did not utterly suppress, that ever-wakeful and persistent search which threatened ultimately to reveal their place of sanctuary.¹

For eight years, the Regalia lay concealed in Kinneff Church, under the guardianship of Grainger and his wife, and visited, at stated intervals, by Ogilvy, who brought fresh linen to preserve them from the ravages of dust and mildew. On such occasions, they were reverently disinterred, and—if we may accept the statement of Mrs. Grainger—appear to have been taken to the Manse, where they were “ayred in ye night tyme before ane fyre”.

All through this period, we receive no hint of the impending quarrel, which was to scatter broadcast in the minds of those who hitherto had laboured hand in hand, the seeds of bitter and enduring animosity. Ogilvy and Grainger retained for one another that respect which, at the outset, had suggested, to the former, their association in a task so fraught with danger and responsibility. Elsewhere, appearances betokened mutual regard and friendship. Marischal had written Ogilvy, requesting him to continue, as he had begun, “be assisting to my Lady my Mother”; and the latter had accepted the commission of his friend, endeavouring, to the best of his ability, to aid the Countess in the management of her

¹ Bannatyne Club, “Papers Relative to the Regalia of Scotland,” *Appendix IV*, p. lxxviii, and *infra*, p. 187.

affairs, severely dislocated, as they had become, by reason of her son's prolonged imprisonment. Nor does her Ladyship permit herself to seem ungrateful for the interest, thus shown, in her behalf. "I sie non," she writes, "that we can rely so much vpon as yow."¹

With the Restoration, however, things assumed a different aspect. Charles' return suddenly dispelled the apathy of those who had been labouring to make the best of matters, as they stood, and to accommodate themselves to serve new methods, and new masters. This had not been difficult for a large proportion of the Scottish people who found, in the Cromwellian rule, a shelter for their covenanting principles. But, now, the summons came to choose afresh for King or Commonwealth—a summons which they hastened to obey with most alacrity, who, anxious to be counted with the former, were conscious that their record might betray, at certain points, a temporary leaning to the Party which had been so long in the ascendant. How far the Countess falls to be esteemed as one of those, who, in his Majesty's own words, "preserue their Affections entire to Vs, howeuer they are for the present compelled to submitt to the prevayling Power," we have already indicated. Yet, taking everything into account, it may be safely argued that she was no worse than the majority of those who bustled to make good their footing with the King, and to proclaim themselves his loyal and devoted subjects. We cannot marvel therefore, if, in her own way, and full of her own aims and purposes, she diligently set herself to work, on lines which promised to obscure the trace

¹ *Infra*, p. 149.

of her complacent traffickings with General Deane, and his now fallen and discredited associates.

The preservation of the Regalia fashioned, to her hand, an instrument well suited to promote her purposes ; and, accepting it as such, it is not unlikely that her admission of indebtedness to Ogilvy, whose courage and resourcefulness had laid King Charles, as she chose to reckon, under obligation to the House of Marischal, was even, at the first, associated with a feeling of incipient resentment ; lest his more obvious and pressing claim to recognition should intrude itself to overshadow or endanger hers.

So early as 4th January, 1655, she had received a letter, from his Majesty, whose careful wording leads us to believe that it was no spontaneous expression of the obligations under which he rested ; but may have been occasioned by her having previously written to acquaint him with the part which she intended him to credit her with having played, in furthering his interests. The King's return found her ready to renew the correspondence, and to forestall the Governor in any representation he might make, whether personally, or through the Earl Marischal, with reference to the delivery, and future destination of the Honours.

Charles entered London on 29th May, 1660. Anticipating his arrival, she wrote him on the 23rd, assuming all responsibility for the Regalia, and requesting to be favoured with his personal instructions as to their disposal. In this communication, Ogilvy is not even named, although the following has been described as constituting, on her part, an adequate and suitable allusion to his

services :—"The gentلمان quho commanded the Castle of Donnotter discharged his duety verie honestlie in putting them in the hands of a persone quho did show himself worthie of so great a trust".¹

Her object in entrusting the delivery of this letter to her son, John Keith, is fairly obvious ; and she had every reason to felicitate herself on the success with which he managed to engage the confidence and sympathy of Charles. Exactly how the matter was arranged is open to conjecture ; but the curious insinuation, which we meet with later, that the Castle was surrendered on "a mean capitulation," or, as it is otherwise described, as "a capitulation without extremitie," suggests that Keith, while making it appear that the Countess had herself secured the safety of the Honours, of which she still retained the custody, had suggested that the Governor abandoned the defence without sufficient warrant. In view of such a statement, we can well imagine how the King found it a simple matter to forget the high esteem which he had entertained for Ogilvy, or to assure himself it had been misapplied.

Charles's gratitude for the preservation of his Insignia of Kingship, though doubtless honest and sincere, was evidently not commensurate with her Ladyship's precipitate anxiety to restore them to his keeping. His reply, in which he graciously acknowledges her services, for which he says, "I have put marks upon your sons," was delayed till 4th September, and directs, without apparent hurry of anticipation, that the Regalia be handed to the Earl Marischal, "that as he received them so

¹ "Scottish History Society," Vol. XXVI, p. 123.

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they may be deliuered by him to the ensuing Parliament".

So far, Ogilvy appears to have remained a passive, if, no doubt, a keenly interested onlooker. That he was privy to the course the Countess had elected to pursue is not disputed; that he refused to interfere in his own interest, though pressed to do so, reveals the strength of his attachment to the Earl Marischal, and consequent disinclination to believe his Lordship would permit him to be wronged. It was in vain that his more immediate friends suggested treachery, adjured him to proceed at once to London, or railed at what they chose to term his "leazie or pevishe neglect".¹

But, if leaving others a free hand at Court, it must not be assumed that he refrained from taking adequate precautions nearer home. Whatever might eventuate, the key to the position ultimately lay in actual possession of the Honours; and he was careful that they should not be allowed to pass beyond his personal control. It transpires that he had early contemplated their removal from Kinneff, and from the cognizance of those whom he mistrusted; and a proposal, by his cousin, Ogilvy of Shannalie, that they be taken to his place in Angus, was one of many which had been discussed. Negotiations to this end, however, were extremely delicate; since to offend their present guardian would inevitably complicate the situation, if it did not actually precipitate the danger he was most desirous to avoid. That the matter had been broached to Grainger is witnessed by a letter, dated 28th July, in which, while deprecating hasty action, for

¹ *Infra*, pp. 152-7.

reasons he is ready to adduce, the latter adds : " I am persuaded though ane armie should come they could not be the better so that their needs no fear, As for my selfe my neck shall break & my life go for it before I faill to yow ".¹

But, meanwhile, things were moving rapidly, and the news of Keith's appointment as Knight Marischal, with a pension of £400 per annum, sufficed to shatter Ogilvy's mistaken trust in the disinterested and friendly intervention of the Earl Marischal. It was a rude, but an effective wakening ; and with soldierly decision he, at once, addressed him to retrieve the situation, in his own behalf, and in the interests of his family, who were now severely straitened, by reason of the heavy outlays which had been incurred. Remaining by the Honours, and excusing himself to Charles, on the ground that they bespoke his first attention, he despatched his son to London, bearing with him a petition which directly traversed Keith's contentions, in so far, at least, as he was privy to their drift and character. He, only, had preserved and rescued the Regalia, "at ye great hazard of his life, and long and strait Imprisonem^t" ; and, what was more directly to the point, he held them now, and was prepared to render them upon demand. The presence of a second Richard in the field, for whom Lord Ogilvy appeared as sponsor, not unnaturally startled Charles. " By my Lord Ogilvy's good leave, it must not be so ;" he declares to Stafford, "for my Lady Marischal wrote to me, that she and her Son John had preserv'd the Honours."²

¹ *Infra*, p. 150.

² Bannatyne Club, " Papers Relative to the Regalia of Scotland," *Vindication*, p. 7.

How matters might have fared, at such a juncture, it is hard to predicate, had not Lauderdale astutely intervened, with the suggestion that a further order for delivery, similar to that the Countess had received, be granted this new claimant ; for, said he, "if John Keith had kept the Honours, then the said George Ogilvy was not able to deliver them ; But if the said George had the keeping of them, 'twou'd evidently and undenyably appear who was the true Preserver".¹

This mandate was received, on 28th September ; but, in the interval, developments had taken place which proved that it was well for Ogilvy he had elected to remain in Scotland, to defend the interests he had at stake. Conformable to Charles' order, the Committee of Estates had, on the 9th, commissioned Sir Gilbert Ramsay of Balmain, and James Peadie, bailie in Montrose, to proceed to Kinneff, and carry off the Honours ; that they might again be committed to Dunnottar, pending the return of the Earl Marischal.² Plainly, such action, on the part of the Estates, was instigated by her Ladyship, to whom it had become imperative that the Regalia should be wrested from their present guardians, and placed where she could claim their keeping and disposal. How otherwise could she make good her statements, or implement the promise she had given to his Majesty ?

On the other hand, it was as clearly Ogilvy's affair to see that no one interfered with matters as they stood, and, least of all, the pushful and aggressive Countess.

¹ Bannatyne Club, "Papers Relative to the Regalia of Scotland," *Atchievement*, p. 12.

² *Ibid.* *Appendix III*, p. lxxiv.

Proceeding to Kinneff, he had an interview with Grainger which has been variously described. In "Barres Alledgances Ansred," we are invited to accept the statement that, not without show of violence, Ogilvy compelled the minister, whom he encountered ill in bed, to acquiesce in the surrender of some part, at least, of the Regalia.¹ In view of all the probabilities, however, it is more reasonable to conclude that matters were adjusted amicably. Acting in concert, Ogilvy provided Grainger with a receipt for all the Honours. This he could present to any who might come requiring their delivery. And this, it would appear, he actually did present to the messenger employed by Keith of Whitriggs, and it may be, also, to a servant from Bolshan, who represented that he had been sent by my Lord Marischal.²

But it was necessary to safeguard the chance that some one, less complacent than the rest, might challenge this device, and forcibly proceed to test its *bona fides*. A search could only lead in one direction. And here the foresight which inspired removal of the Sceptre makes itself apparent; since, on the worst of happenings, the mere discovery of Crown and Sword could profit nobody. Upon this showing, we submit, the curious duplication of receipts becomes intelligible; Grainger's obligation covering the Governor's acquittance being satisfactorily explained—so, also, we may add, the latter's grimly forcible reflection, "The piper plays the waur that wants the nether chafts".

An inclination on the part of Ogilvy's detractors, to

¹ "Scottish History Society," Vol. XXVI, p. 127.

² *Ibid.* p. 128.

represent him as at variance with Grainger is further noticeable, in the accounts they offer of the historic interview with Marischal, at which the Regalia were formally restored.

Ogilvy having invited Grainger to bring with him the Crown and Sword to Criggie from whence they should proceed together to Dunnottar, the latter is reported to have answered him in churlish fashion, declaring that "he scorned to come to his house nor would he have more to doe with him in that or in anything else". Yet notwithstanding this rebuff, the writer adds, "George Ogilvy, to take away any seeming difference betwixt them in the delivery, met the minister upon the rod and so went on with him to Donnottar".¹

The picture of Ogilvy thrusting himself on the reluctant minister, whose feelings of propriety and honour he had justly outraged, acquires an added piquancy if we reflect that, at the moment, he and Grainger were presumably engaged in planning to commit a larceny. The Governor's distrust of Marischal, occasioned by the clamour of his friends and their insistence that the latter had betrayed his interests, accounts, if we mistake not, for the mysterious and unexplained retention of the Sword-belt. As he had removed the Sceptre from Kinneff to upset the machinations of the Countess, so, fearing lest the Earl might refuse to grant him a receipt, he was constrained, we take it, to appropriate the belt, that he might still have something to produce in proof that he alone could render the Regalia intact to Charles. This is a mere assumption on our part; but it affords a

¹ "Scottish History Society," Vol. XXVI, p. 129.

reasonable explanation of the fact that the Sword-belt was retained, and subsequently found at Barras.

The suggestion that Ogilvy removed it when the rest of the Regalia were conveyed out of the Castle is untenable. He had no motive to abstract it then, and every reason to do otherwise ; since, left in his possession, it would undoubtedly have fallen into Morgan's hands, and thereby led to awkward complications. On the other hand, if it accompanied the Sword to Kinneff, it could not have been separated from it later without the knowledge and consent of both parties. And this, so far from bearing out the tale of Grainger's estrangement from the Governor, implies that they were still the best of friends, and at one in their determination to defeat the influence at work in certain quarters.

That Ogilvy's precaution overshot the mark, and that, in Marischal's honourable bearing, he perceived, instead of jealousy and willingness to overreach, the re-establishment of old relations, must have occasioned in his mind regret that he had harboured doubt, or acted in anticipation of unworthy treatment. It was, indeed, admissible to argue that the failure of the Earl to support him at the English Court had been occasioned by no change of front, but that his Lordship, knowing nothing at first hand, had rightfully determined to assure himself of what had actually taken place, by personal investigation, before presuming to reject opinions which, in virtue of their source, he felt compelled to treat with all becoming deference.

So far the matter had gone well with Ogilvy. He had secured the coveted receipt which would commend him to the favour of his Majesty. And if the letter

Marischal wrote his mother announcing that the Honours were restored, while frank enough in stigmatizing the affair as "ane oglye and onhandsom businis," is careful to apportion blame to neither party ; yet, from the coolness which apparently ensued between the Countess and her son—a circumstance referred to in a letter from the King to Middleton—we may conclude that he had gained what probably he valued quite as highly—assurance of the Earl's re-established confidence and friendship. "I am vexed," the latter subsequently writes, "that any having although relation or kindness to me should scruple at your offering your endeavour for my good. I am, believe me, sorie they are so byassed and be yee assur'd I respect your kindness and doe desire you will continue to be so still."¹

It was not till the following spring that Ogilvy repaired to London, where, we learn, he was graciously received—the fulfilment of his undertaking to produce the Honours being met by the bestowal of a Baronetcy, with warrant for a new matriculation of Arms, in which his signal services were duly recognized. These tokens of the Royal gratitude were accompanied by the promise of a pension "how soon the King's revenue was settled". And, finally, his lands, which he had previously held in wardship of the House of Angus, were gifted him directly of the Crown.

And here our task might fittingly have closed ; the curtain falling to the popular applause which greeted the return of the Knight of Barras. Instead of this, however, we are driven back incontinently to gather up

¹ *Infra*, p. 228.

the threads of fresh developments. The Countess was, of course, the moving cause: her instrument no other than the intimate and trusted friend of Ogilvy, on whose integrity and good intention he must have felt himself peculiarly entitled to rely.

We have seen that, on 21st July, Grainger wrote the Governor protesting his good faith towards him, and affirming that he would maintain it, come what might. We have traced in some detail their further intercourse, and shown that they had necessarily worked in concert. How comes it then that, on 20th October, Grainger prepared, and forwarded to the Countess, a "Declaration anent the Honours," whose attitude is one of undisguised hostility towards his friend?¹ This *Declaration*, which, by the way, contains a first and embryo account of Mrs. Grainger's personal achievements—"I sent my wife who brought them (the Honours) forth without being discovered by the enemy, though rancountred by them in the way"—is a deliberate attempt to throw discredit upon Ogilvy's receipt from Marischal. The writer held the Honours solely for the Countess, and restored them at her bidding, and in virtue of the order granted by his Majesty to that effect. Not only so: as their legitimate custodian, Grainger explains that he had himself requested a receipt from Marischal, delivery of which his lordship had deferred. Since then, he is informed, the Earl had granted that receipt to Ogilvy, who had despatched it, or a copy of it, to his son in London for presentation to the King.

The *Declaration* closes with what, from the Coun-

¹ *Infra*, p. 196.

tess's point of view, must have appeared a singularly useful and well-timed admission, where, again referring to the Honours, he expresses the opinion that "the prime mean of their safetie was the declaring them to be carried off the kingdome by the Earl Marschall his brother John".

Not content with the above, and wishful to confirm its averments, Grainger addressed a second letter to the Countess, upon 12th November, reiterating, and in part recasting, what he had already said. This later communication, while professing to acquaint her Ladyship with what was passing, repeats intelligence already three weeks old ; it breathes, if possible, a more accentuated spirit of resentment ; and labours to substantiate the charge that Ogilvy's acquittance from the Earl Marischal was not obtained by honest and straightforward means.

Proceeding to rehearse a conversation in which the former had described to him the doings of his son in London, and had mentioned his intention to confront the crowd of his detractors with Marischal's holograph acknowledgment, "I enquired," he tells her, "where he had that, and when he had gotten it, seing I had delivered them, and he refused to give me a Ticket of Receipt. O, said he, I got it the Night before the Honours were delyvered by my Lord Arbuthnet's moyen". Such a statement—containing, as it does, a grave reflection, not on Ogilvy alone, but on the Earl, as touching his discharge of public service—one can scarcely imagine Grainger hazarding on any terms. And yet he offers it without apparent misgiving, and where, above all else, he might have calculated to encounter summary and prompt reprisal—"Your Lady-

ship may make the best use hereof your Ladyship can”.

We have found it impossible to assign a reason for Grainger's sudden disaffection, or for the reckless disregard of consequences with which he was apparently impelled to give expression to his sense of injury ; but that the Countess should submit to tolerate the offensive imputation which he cast on the integrity and honour of the Earl, suggests that there must necessarily have been some more or less informal understanding between the two.

That his opponents may have slandered Ogilvy to Grainger, may have misinterpreted his motives, and induced the latter to believe—as indeed they plainly indicate he did—that he was being thrust aside, and would receive no credit for his long and faithful service, is probable enough, and may, no doubt, have gendered feelings of uneasiness and of distrust. But it by no means follows that Grainger should have set himself to meet neglect with treachery ; still less that he should have sought to compass his revenge on Ogilvy by following a course so disingenuous and reprehensible as that we have described. Nor can we readily accept the explanation that the promise of 2000 merks, which Mrs. Grainger subsequently received from Parliament, may possibly have been obtained through mediation of the Countess, and may, therefore, represent the purchase price of Grainger's change of front. Had the latter been amenable to bribes, it would have been discovered earlier, and when he had the opportunity to treat for higher terms. Besides, assuming, for the moment, that the Countess so entangled him, a debt

of this sort cannot be dishonoured with impunity ; and yet, so late as 1686, only a tenth of what was due had been disbursed.¹ Again : had Parliament's engagement so to recognize her services been secured by favour of the Countess, is it conceivable that, in her *Information* to the Privy Council, Mrs. Grainger would have allowed herself the licence she assumed in dealing with her Ladyship's pretensions, and, having travestied alike the manner and the motive of Keith's intervention in support of Ogilvy's apocryphal account of their removal to the Continent, declared that "no more hand Sr Jon Keith had in preserving the honours than is heir said"?

Perhaps the true solution of the difficulty lies in the temperament of Grainger, and in his failure to withstand the usage to which, through pressure of competing interests, he found himself increasingly exposed.

Such knowledge of his personality as may be gathered from a study of the Session Minutes of Kinneff, which preserve, in his own hand, a faultlessly precise and conscientious record of his ministry, incline us to regard him as a simple, painstaking, and earnest man : not as a brilliant, or a strong one. Grainger could protect the Honours, bringing to the task a quiet steadfastness of purpose which proved sufficient to endure the strain of nine long years of unrelieved anxiety. He could keep his own counsel : go his own way ; and carry with him, all the while, the secret of an ever-present danger and responsibility. But, drag him and his secret to the light, and he was ready to succumb before the violence of boisterous threat, and heated argument.

¹ "The Scots Peerage," Vol. I, p. 80.

It is not difficult to understand how, in the final struggle to retain possession of his charge, he may have found himself, on more than one occasion, roughly handled. Disappointed in their hope of seizing the Regalia, we may be sure there were not wanting those, among the Countess's friends, who were prepared to hustle and intimidate. The acquittance upon which he had relied was no defence, and, even if accepted in good faith, was certain to provoke a torrent of recrimination. Ogilvy had outwitted him and played him false; while he, on his part, had unworthily betrayed the Countess, and doing so—they might not hesitate to add—must count on having brought upon himself the opposition of the high and potent family she represented. Assailed with doubts and threatenings of this kind, a stronger man than Grainger might have quailed, and striven to repair the mischief he had wrought by any means which his self-constituted mentors indicated. Indeed, the letters to the Countess palpably suggest a situation such as this; they are so manifestly framed to fit the case, and to provide material for a renewed attempt upon her part to push hostilities.

Exactly what ensued it would fulfil no useful purpose to investigate. Such hints as meet us incidentally suffice to indicate, explicitly enough, the lines on which the Countess worked to rehabilitate herself, and undermine the credit and repute of her opponent. One advantage she possessed. The latter was in ignorance of what had taken place, and so had ceased to interest himself in her proceedings. In Middleton she seems to have secured a willing mouthpiece for the tale she spread,

of how, with the connivance of the Earl, the upstart Ogilvy contrived to filch the honour and reward which she alone had merited. That she obtained the ear of Lauderdale there is no doubt, and, in a greater or less degree, the sympathy of Charles. One is inclined to question, none the less, if either of them failed to read between the lines of her complaint, or gave it more than a mere formal and indulgent tolerance.

It is true, when Ogilvy again appeared at Court to plead the promise of his Majesty that the expenditure he had incurred should be made good, he was received by King and Chancellor alike with disappointing coldness. And, in the circumstances, it was only natural that those most interested should trace the Countess's influence in what occurred, and place their failure to the credit of her interference. Yet, after all, we cannot but suspect that his reception owed its frigid character to less remote and visionary causes—chiefly, indeed, if not entirely, to the fact that Charles' Ministers refused to burden an exhausted Treasury with further obligations, which they saw no reasonable prospect of discharging.

Nor can the circumstance that John Keith eventually obtained an Earldom be held to indicate that any practical success attended the defeated Countess in her efforts to regain a lost ascendancy. Charles may well have had it in his mind to signify approval of the loyal service which he had received, not from Sir John alone, but from the collective members of the Marischal family, by the bestowal of some further dignity on one whose record was, at least, as worthy of regard as that of many whom the exigencies of State had caused him to repay

with higher favours. That he delayed, for nearly twenty years, the execution of his purpose, precludes the supposition that it was inspired by any hostile or ungenerous attempt to wound the personal susceptibilities of Ogilvy. The legend, *quæ amissa salva*, which his heralds granted Lord Kintore, refers to the one incident whose credit Keith was open to assume without reserve ; when, "lost" to the Cromwellians, he drew the latter from the eager search they had been prosecuting, and so secured the Honours undisturbed security within their friendly hiding at Kinneff.

At this point, we are called upon to pass from all, save one, of those who played a foremost part in this extremely tangled episode of Scottish history.

Ogilvy, who re-married, taking, as his second wife, the widow of a neighbouring proprietor, died in 1679, apparently at Criggie, where he had continued to reside as tenant of the Countess. Nature had not endowed him with the push and shallow brilliancy which bring success to men of meaner and less sterling qualities ; and consequently, he had reassumed the quiet, unobtrusive rôle of a mere county gentleman. Perhaps his losses hampered him in part, and bound him to the painstaking discharge of humbler duties. But, discounting this aspect of the case, and assuming that an entrée might have been secured, we question if his inclinations would have prompted him to seek distinction at the Court of Charles.

The errant Grainger did not long survive the troublous times in which, whatever may be said, he

certainly did much to merit personal esteem and gratitude. For some time previous to the Restoration, he had been in failing health—a circumstance which must be taken into account in judging of his failure to resist the pressure brought to bear on him by rival factions. Doubtless, his decease had been anticipated; but this does not prepare us for the fact that, six months later, his widow, Christian Fletcher, became the wife of James Sandilands, first Lord Abercrombie—a nobleman whose dissolute and worthless life must have contrasted painfully with his whose name and memory she had so rashly hastened to repudiate.

The Earl Marischal seems to have lost touch with Scotland, during the long years of exile which he had experienced. The remainder of his life was chiefly spent in London, with, now and then, a hasty visit to his favourite seat of Inverugie; where, as it transpires, he died, in March, 1670.

The Countess, who outlived her son, had long since found relief from the uneasy burden of a life which it becomes us not to judge too harshly. Her doubtful loyalty may be explained in that, by birth and upbringing, she was, and probably continued to remain, a daughter of the Covenant. If she followed Marischal when, too late, he threw aside his Covenanting principles to serve the King, we have no reason to suppose her personal attachment to a cause he had so tardily espoused was more than nominal. As she had joined it for the Earl's sake, so, when it threatened ruin to his house, her impulse, naturally enough, was to forsake it.

Nor, in her treatment of Ogilvy, is it impossible to find

extenuating circumstances. The plotting woman naturally disliked the man of placid, imperturbable integrity ; while the abrupt effacement of the Commonwealth and, with it, the confusion of her plans, impelled her, as we have already indicated, to pursue a course which was defensive, merely, where it may have seemed gratuitously over-reaching and unprincipled.

The attitude she afterwards assumed, if indefensible on ordinary grounds, may be accounted for as the result of the rebuffs and crosses she had met, reacting on a headstrong and impulsive temperament. Accustomed, above all things, to dictate, and to exact submission to her will and her opinion, no doubt, the Earl's unlooked-for change of front, when, abandoning the policy she had approved, he suddenly declared himself a Royalist, must have embittered her in diverse ways, and accentuated her natural intolerance. Given the weapon placed at her command by Grainger, that she would use that weapon against one who had conspired to set her in the wrong, and humble her in face of Charles and his Ministers, must have been obvious to all who understood her character, or had experienced the violence and sweep of her resentments.

Only John Keith remained, of all the coterie who had contrived to figure in defence of the Regalia ; and, somehow, it appears as if he had assimilated, to no small extent, the Countess's views, and learned to appreciate her methods. Apparently, he harboured as a grudge that others should presume to share with him the credit of events on which his title to high honours rested. This much is certain—that the pride of place bulked largely in

his mind, and caused him to forget the due consideration which he owed to those whom he considered his inferiors. It is legitimate, indeed, to hold that what he knew of Ogilvy's desert had reached him, for the most part, through perverted and unfriendly channels; and that he may have honestly believed much, if not all, of what the Countess told him. But, conscious of the minor part he had himself discharged, and of the credit he had gained because of it, one cannot justify the impulse which induced him to attempt the permanent effacement of Sir George, and of the gallant and heroic memories with which his name had been associated.

This personal conviction, on our part, is deepened by the fact that it is on his initiative we first encounter Grainger's letters. Unknown to his opponents, they had remained with him, through all these years, beyond the reach of possible disproof or challenge; and, in so doing, their offensive value had increased immeasurably. Marischal, Arbuthnott, Ogilvy were dead: who then remained to combat their attack, or meet the charges they contained of faulty and dishonourable conduct? If Kintore accepted Grainger's statements in good faith, they certainly went far to lend an air of truth to the defamatory allegations of the Countess. But, on the other hand, that he produced them only when he did, suggests that, personally indifferent upon the point, he had conspired to hold them *in retentis*, until such time as he could use them with effect to the discomfiture and ruin of the Ogilvies.

In the preparation of his "System of Heraldry," the author, Alexander Nisbet, had had occasion to collect a

large amount of information relative to the origin and descent of those entitled to bear Arms; and in 1699, he seems to have addressed himself directly to the representatives of certain leading families whose history he still desired to supplement, or to substantiate. Agreeable to this, Kintore supplied him with a record of his House, embodying a narrative of the events which led to the creation of the Earldom. Therein—so runs the Ogilvy complaint—he appropriated to the Countess and himself sole credit for preserving the Regalia; nor did he scruple to depreciate Sir George, and to ignore, “and might in process of time have totally obliterated the good service loyalty and sufferings” of his lady.¹ So far as we are aware, no copy of this document exists in the precise form in which it was despatched to Nisbet. But it is highly probable that in “A History of the first Earl of Kintore,”² written prior to 1685, we have substantially the same account of Keith and his pretensions. If so, the words which we have quoted suitably describe its aim and purport.

Nisbet appears to have submitted this account to the approval of Sir William Ogilvy and his son—an act of common fairness on his part, whose motive we can readily appreciate. Nor can we wonder that they hastened to compile a rival statement. One may commend them rather, that, in doing so, they were content to furnish a bare résumé of facts; once only hazarding beyond this dignified and prudent course, to justify, on grounds too

¹ Bannatyne Club, “Papers Relative to the Regalia of Scotland.” *Vindication*, p. 1.

² *Infra*, p. 166.

obvious for serious dispute, the honourable character of the capitulation. Their narrative, its accuracy attested by the witness of confirmatory documents, the open-minded Nisbet readily accepted. Of what was possibly Kintore's account his "Heraldry" contains two colourless and inoffensive paragraphs.

It is difficult to gauge what follows, or to explain how, having acted thus far with commendable restraint, the Ogilvies should have elected to embark upon a course so inexcusably provocative. Nisbet had engaged to put on record an impartial statement of the case, which Lord Kintore's malignest influence could not expunge, or render less enduring and effective. Granting the latter's statement had been sent elsewhere, as we are told it was, and might be published, it did not strengthen matters, now secure beyond all reasonable need of further interference on their part, to fume and bustle into print with an ill-tempered and recriminatory pamphlet. Such action thrust into the Earl's hand an opportunity of which he did not hesitate to take advantage. The publication of "A True Account of the Preservation of the Regalia of Scotland," followed by the "Vindication," a still more foolish and gratuitously irritating tract, was promptly seized upon as an occasion of complaint before the Privy Council, where both the Ogilvies were cited to appear in answer to a charge of libel.

Kintore, who thoroughly appreciated the possibilities of the situation, took care to make the most of it. It was no ordinary misdemeanour which had prompted him to seek protection from his peers. A serious and grave offence had been committed ; and the accused must needs

retract, as a "manifest villany," their "most injurious Defamation and atrocious Slander to the Truth, to his Majesty King Charles the 2^ds. acknowledgements, and to the Faith of repeated Patents".¹ So much stage thunder, on his Lordship's part, was obviously intended to impress the Council, and predispose them to accept what evidence he chose to offer in support of his indictment.

Meanwhile, an interesting letter from Sir William's second son, who, it appears, was at the time indentured to a legal house in Edinburgh, gives us a hint of the forensic methods of the period, and plainly indicates that politics had more to do in shaping their results than any minor accident of truth or justice. The Ogilvies solicit the Duke of Hamilton's support, which, in the present state of parties, his Lordship apologetically declares to be of no appreciable service. Kintore, with Queensberry upon his side, may practically control the verdict.

From the account of their proceedings printed by the Bannatyne Club, we learn that the Privy Council met, as a judicatory, to consider Lord Kintore's complaint, on 8th July, 1702; when Sir John Thoirs, Counsel for Sir William, submitted two certificates declaring that the condition of his client's health precluded his appearance. This, it is argued, should have stayed proceedings, and technically, no doubt, the plea is sound. But on the other hand, it is conspicuously evident that David Ogilvy, and not his father, must have been responsible for what had taken place. The latter may have sympathized with his son's action, and there is every reason to believe he did so; but in assigning blame to either party, distinction

¹ *Infra*, p. 194.

must be made between the man of thirty, in full possession of his faculties, and the worn invalid, whose senile fancy conjured up imaginary grievances, or morbidly endeavoured to resuscitate the heartburnings and antagonisms of his youth.

Apart from their determination to proceed in absence of Sir William, the action of the Privy Council in their conduct of the case appears to have been sufficiently peremptory. Without calling evidence, they directed the offending pamphlet to be burned by the common hangman; My Lords continuing the action against the defender "as to the personall conclusion against him, and the other points contained in the lybell".¹

What might have been the issue, had things gone to proof, it is impossible to predicate; though, it is certain, Counsel would have had a serious task had they attempted to adjust the facts in terms of the record printed by the prosecution. It might be matter of legitimate debate whose services contributed the more effectively to save the Honours; but it is surely somewhat startling to be told that the latter were transported to Kinneff before the Castle of Dunnottar was invested. Misstatements of this character suggest that, having satisfied himself of the effect which he was likely to produce by the disclosure of the Grainger correspondence, Kintore had suffered things to take their course—leaving all minor details in the hands of his attorneys, who were either unacquainted with the facts, or mindful only to accommodate them to their purposes.

¹ Bannatyne Club, "Papers Relative to the Regalia of Scotland," *Appendix IV*, p. lxxxii.

As it transpired, a quite unlooked-for turn of events relieved the prosecution from the onus of substantiating what they had adduced, and at the same time precipitated the defendant into the abyss which his intemperate and foolish conduct had prepared for him. A committee had been formed to examine witnesses, and at their meeting, held on 21st July, Thoirs and his fellow Counsel "declaired and owned the pamphlett within lybelled on to be injurious, ignominious and villanous, defameing the said Earle of Kintore ; and that the defender att the barr would disown the same and that he had no concerne therein ; and the said David Ogilvie, as said is, being present att the bar, and he being enquired att if he owned and adheard to what his saids advocats had declaired, he ansuered that he did adhear and to what his saids prors had said in his name".¹

That the above is a correct account of what took place need not be credited. It is inconceivable that the accused should, at this stage, have made himself a party to a course so obviously suicidal. The petition which he subsequently presented, craving to be heard in reference to what actually occurred, imparts a different aspect to the situation.² But to decide exactly in what form the betrayal of the case was put can serve no useful purpose.

It must have gratified Sir William and his friends that, at this point, the Earl Marischal intervened to sist procedure. In doing so, however, he appears to have misjudged the measure of Kintore's resentment. The

¹ Bannatyne Club, "Papers Relative to the Regalia of Scotland," *Appendix IV*, p. lxxxvii.

² *Infra*, p. 205.

latter brought his witnesses to prove what nobody remained to call in question ; and the Council finding in his favour, a penalty of one hundred pounds sterling was imposed on the defendant, the warrant for whose apprehension bears that he shall be detained in prison till the same is forthcoming, "and farther to remain therein dureing the Councils pleasure".¹ It is not to be supposed that Ogilvy elected to remain within convenient distance of the Court to meet this judgment. Foreseeing what would happen, he escaped to London, and so placed himself beyond the legal jurisdiction of the Privy Council.

The outcome of the trial, as touching those whom it immediately affected, we gather from a series of letters, full of details of a more or less domestic character, which, in their purport, fail to strengthen sympathy for one whose injudicious meddling still shadows, with a sinister remembrance, the story of a chivalrous and gallant deed. If the credit due Sir George was partially obscured by others zealous to promote their private interests, and ready so to do at his expense, it suffered, far more deeply, from the foolishness of David Ogilvy, and the passionate reprisals he evoked.

Safely bestowed at "Darlings Coffie house, near Charing Cross," the latter, meanwhile, appears to have employed his leisure moments in playing on his father's indignation against Lord Kintore. Sir William waxes garrulous in building up new projects to defeat his adversary : what steps to take, what Counsel to employ, whom to avoid—your "pryme" ones, who are "cheats".

¹ Bannatyne Club, "Papers Relative to the Regalia of Scotland," *Appendix IV*, p. lxxviii.

In this connexion, he repeats afresh the story of the siege and all that followed it ; does so with painful effort and indifferent accuracy, recalling every incident as it has shaped itself upon his failing memory, unconscious of the fact that things are growing clouded and obscured.¹

There is much to show how closely he was pressed to meet the cost of current outlays. "Our fayr was oblig'd to borrow money in payt of your last bill," the lawyer brother writes to David. And again : "He has ill getting or spareing mōe att pñt and hates to be continually borrowing as he has frequently done since your departure hence".² As for the penalty, might not Kintore be brought to compromise? At all events, the matter cannot rest indefinitely—a settlement of some sort must be reached.

For, most of all, the sick man's thoughts recur to his son's absence, and brood upon the fact—as he esteems it—that they have been parted wrongfully. This furnishes the key to his despondency, his querulous and unappeasable unrest. It is responsible for all that goes awry, and frets and worries him. "I may wrestle on till about y^e parliament," he writes, "& give he gett anything dooin yⁿ it is good : if not he must return for I have dooin over power already and most give it over if so I gett not assistance after y^e parliament is over for I vatch all night and for y^e most part is about sunnsetting y^t I ryse & so many of my affaires are mistymed & doe miscarry".³ And later : "You vill vryte vt y^e tuesdays

¹ *Infra*, p. 219 *et seq.*

² *Ibid.* p. 213.

³ *Ibid.* p. 217.

London post & acquaint yor brother y^t if I mend not shortly I vill never goe out of my own doores again so y^t he vill resolve to return God villing, be the last of May tho he get nothing dooin & y^t ve pay y^e fyne".¹

Eventually the fine was paid, not by the Ogilvies, but by their kinsman of Pitmuis.² It does not transpire, however, that the exiled David had contrived to profit by the lesson which Kintore had offered him, or that a year in London had imparted to his character the salutary discipline it lacked. His *cacoethes scribendi* still remained; and if he bridled it so far as to avoid a further quarrel with his Lordship, that nobleman's decease became the signal for renewed activity. "Ane Account of the Process raised befor the Privy Councill of Scotland, A^o 1702" represents his final contribution to a controversy which had been better closed ere he presumed to offer it his advocacy. A number of letters from the Earl Marischal, the originals of which have not survived, impart a certain value to this ill-conceived attempt to re-establish what his former indiscretions had so gravely compromised. Two of these letters are, indeed, of special interest. Of date 1655, and bearing to have been written from Inverugie and Newcastle respectively, they indicate either that his Lordship had been permitted to visit Scotland on parole, or that, in spite of the disappearance of the Regalia, he had succeeded in making terms with the Lord Protector, and consequently that the period of his imprisonment in London was considerably shorter than has been supposed.

¹ *Infra*, p. 218.

² *Ibid.*, p. 221.

The writer discusses, with some point, the question of the Grainger correspondence. For the rest, he traverses old ground, his progress only fitfully redeemed from dullness by the bitterness of his invective and the Gargantuan torrent of vituperation with which he overwhelms Lord Kintore.

We last encounter David Ogilvy in 1733, and gain a finished picture of his character and mental attitude. That picture, as embodied in a letter to the Duke of Hamilton, suggests an old man, full of days and full of self-complacency—full also, be it added, of those indefinable and subtle qualities which are supposed to make a certain class of people “dearly love a lord”.

Sir David's death occurred a few years later, and, with that event, all public interest in the family of Ogilvy of Barras terminates.

The Miscellaneous Papers printed in this volume consist, for the most part, of legal writs and other documents connected, more or less directly, with the settlement of the Ogilvies in Barras.

Incidentally, they throw considerable light on the financial position of the family, when, as we learn, the Estate of Balnagarrow was disposed of, and William, father of Sir George, accompanied, as a boy, his cousin, Lady Margaret Ogilvy, to the Mearns, on the occasion of her marriage with the Earl Marischal. It is evident that the pecuniary difficulties which led to the sale of Balnagarrow have been much exaggerated. Of William's elder brother we know nothing, save that he inherited his mother's lands of Balfour. His two sons, John of

Balfour and James of Shannalie, meet us frequently as landowners in Angus, and men of recognized position and repute. The name of William Ogilvy occurs upon the list of feuars in Stonehaven in 1624; and his residence, in all probability the birthplace of the future Governor of Dunnottar, still remains a feature of the Burgh, and unquestionably the finest specimen of old domestic architecture it contains. In 1628, he purchased from the Earl Marischal, for six thousand merks, the wadset of Lumgair. This he surrendered shortly afterwards to Alexander Lindsay; recovering it, however, on the resignation of the latter, prior to 1643. William, who is described as residing "att the Mylne of Vrasse," appears, along with Robert Keith of Powburn, as cautioner for the Earl in a transaction, of date 15th November, 1634, in which his Lordship borrows from Mr. Thomas Lunday, minister of Eliot, the sum of four thousand merks.¹ In the same year, he is able to provide two thousand merks in jointure for his daughter-in-law, Elizabeth Douglas—being a portion equal in amount to that which she inherited from her father, John Douglas of Wester Barras. Meanwhile, his son was in possession of Baldovie, a property situated in the Regality of Kirriemuir, and originally pertaining to the Abbey and Convent of Arbroath. This property, acquired from Francis Ogilvy of Newgrange, was disposed to James of Shannalie in 1643.

Sir George acquired the lands of Barras five years later, and the circumstances under which their purchase

¹ We have not printed this document, which is of considerable length, and, apart from the fact stated in the text, devoid of interest.

was effected are detailed. We learn that Sir John Douglas, his wife's brother, had died in the preceding year, leaving his affairs so seriously embarrassed that the sale of his estates was deemed imperative "for preservation of any being and subsistence to the said aire or provision for the remnant children and pnt payment of his debts". With obvious intent to save the property from falling into the hands of strangers, the curators appointed by Sir John for its administration—his son being still a minor—approached Sir George with a proposal that he be the purchaser; they having fixed the price at twenty thousand pounds Scots, "being the best worth and availl as the pnt raitis and prices rules". All this implies that the Ogilvies, instead of being impecunious, must have possessed what, at the money value of the period, amounted to a reasonable share of wealth.

Three writs dealing with the affairs of Jean Fraser, relict of John Douglas of Barras, and mother of Mrs. Ogilvy, afford what we have accepted as a clue to the identity of Anne Lindsay.

It appears that, after the death of her first husband, Mrs. Douglas became the wife of the Alexander Lindsay whom we have encountered as obtaining, in transference from William Ogilvy, the wadset of Lumgair; and who, at the time of their marriage, also held in wadset the lands of Easter Barras or Bridgeford. The documents in question mark the downward progress of events in the family fortunes of the Lindsays, who, compelled to surrender their possessions in the Mearns, migrated to Aberdeenshire, where they acquired, from John Gordon

of Nethermure, the town and lands of Cuikbirnes, in the Parish of Logie Buchan.¹

Was Anne a daughter of this marriage, and consequently stepsister to Mrs. Ogilvy? Proofs are wanting; but the circumstance that she was present in the Castle, and was selected for so hazardous and critical an undertaking as the removal of the King's papers and their subsequent disposal, seems to indicate that the Governor and his wife had very special grounds for placing their reliance, not only on the courage of their youthful emissary, but on her subsequent discretion and good faith. The phrase "a kinswoman and dependant" does not preclude the supposition that she may have occupied towards her benefactress a relationship as close as that we have suggested; while the fact that she subsequently became the wife of Mr. John Willox, Minister of Kemnay, would seem to indicate connexion with the North.

The Ogilvies had no daughter of their own, and it is not unreasonable to surmise that they had personally assumed her upbringing. Lindsay, whose position in Logie Buchan can have been little better than that of a mere Bonnet Laird, might well have acquiesced in an arrangement which promised her advantages he was himself in no position to afford. And we can easily imagine how she, on her part, would be grateful to exchange the poverty of Cuikbirnes for the comparative affluence of Criggie Manor Place, and the pleasanter associations it involved.

The subsequent career of Lindsay, and its tragic

¹ "Reg. Mag. Sig." (1634-51), No. 1197.

close, are traceable amid the local records of the period. He does not seem to have retained, for any length of time, his lands of Birnes. In 1653, he is described as "sometime of Birnes, now of Meany," and ten years later is designed "of Williamston". This last-named acquisition cost him dear. A daughter, Margaret, had become the wife of Captain Robert Forbes, tutor of Craigievar; and with him Lindsay appears to have engaged in various transactions of a money-lending character. Extensive borrowers themselves, they naturally looked for prompt repayments on the part of those whom they accommodated; while the terms on which they lent were hardly such as would commend themselves to modern ideas as an adequate and just return for the risk incurred. The end came when trying to exact from James Gordon of Newton the customary forfeit of foreclosure upon certain bonds the latter had negotiated on the security of his estates, on which Forbes claims to have advanced his client forty-six thousand pounds. The lands of Williamston, it seems, were Lindsay's share of this important coup, and he had evidently managed to secure possession. But trouble followed; and the sequel is revealed in a laconic entry in Row's "Diary," under date July, 1663: "The laird of Birnes Lindsay, in the parish of Logie, stabbed by Newton Gordon: so he gored him down".¹

A letter from the Earl of Seaforth, written at Paris, 1st November, 1650, acknowledges indebtedness for

¹ "Scottish Notes and Queries," Vol. VII, p. 70. See also Davidson's "Inverurie and Earldom of Garioch," p. 599; New Spalding Club, "House of Gordon," Vol. II, p. 310.

assistance rendered to his Lordship in making his escape from Scotland, after the defeat at Preston. Returning from the South, the Earl had apparently remained in hiding with the Ogilvies, until such time as he was able to embark upon a trading vessel sailing from Stonehaven.

A MS. in the handwriting of Sir David Ogilvy, preserved among the Reid Family Papers at Birkwood, Banchory, explains the drift of Seaforth's badinage in the above epistle which otherwise would have remained obscure: "Tell yr honest vyfe," he says, "yt the merchand is sorie that he hes com to so ill a mercat making hir as a partner so greate a loser . . . on mercate day may offer to mak vpp vhat is lost". It appears that while in residence at Criggie, Seaforth had maintained the disguise of a merchant come to buy victual, "still wearing ordinary cloaths with ane cape of ane odd forme on his head hanging down about his ears the better to disguise and conceall him".

Sir George's hospitality, on this occasion, not only involved him in pecuniary loss for which Seaforth gratefully proposes to indemnify him, but, taken in conjunction with his personal participation in the Unlawful Engagement, exposed him to the Discipline of the Church Courts.

In the Session Records of Kinneff, we read, under date 10th December, 1648: "This day Andro Arbuthnot of Futhes and George Ogilvie of Barras were put of the Session,¹ because they had subscribed ane onlau^{ll} band

¹ Arbuthnott and Ogilvy had been appointed elders on 19th November, or less than a month before this incident occurred.—
"Kinneff Kirk-Session Records."

prescribed by ordinance of y^e Parliament upon the whole Kingdome. It was likewayes told them they would not be received to y^e renewing of y^e Covenant nor to y^e sacrament of y^e Lords Supper . . . untill they should satisfie for their fault." And again, on 18th August, 1650: "George Ogilvie having before the Presbytrie confested his accession to the onlau^{ll} engagement and subscriyving ane onlau^{ll} band for carying on the same, and having confest some malignant speeches & y^e recept of y^e earle of Seafort, intill his house & y^e keeping of him there the space of fourteen dayes, did according to y^e ordinance of y^e Presbyterie vpon his knees before the pulpit confesse the same guiltinesse and did aske God's pardon for the same & promised never to ioyne in any such course afterward & wt all did before y^e congregation subscribe y^e declaration appointed by the Generall Assembly, July 20, 1649."

We learn from the same authority (17th December, 1648) that "of the common souldiers y^t went out of this paroch to y^e late onlau^{ll} ingagement had returned . . . none as yet but one Jhon Straton" who "declared to y^e minister vpon oath y^t he was taken & forced to go forth".

The latter appears to have been more leniently dealt with than his superiors, or it may only be that the Clerk, in varying the wording of his minute, has imparted to the deliverance of the Court, in Straton's case, a somewhat milder aspect—he "being called upon publickly before the congregation humbled himself for being vpon it & was absolved after his acknowledging of it to be onlau^{ll}".

Two letters from the Duke of Queensberry recall the circumstance that, shortly after his accession to the Baronetcy, his Majesty had contemplated bestowing on Sir William Ogilvy a tangible acknowledgment of the goodwill he bore towards him, and his House. Among the papers of the Earl of Airlie, there occurs a draft precept by the King for expediting a letter, under the Privy Seal, in favour of Sir William, by which the latter should be constituted "master of his Majesties hawks, chieff huntsman and master of the royall game within the said ancient Kingdome off Scotland, with power to him to use and exerce the said places and offices, with all priviledges, casualities, fies, profits, and commodities whatsomever, that ever did or that may heirafter belong to the samen"—all this in consideration of "the eminent services done and performed by his Maiesties now deceast lovet Sir George Ogilvie of Barras, Knight baronet, in that he was eminentlie instrumentall in the preservacione of his Highnes crowne, sword, and sceptre, the ancient honoures of this his Kingdome of Scotland, and the damage sustained be the said Sir George Ogilvie therthrow".¹

There is no evidence that the above was ever ratified, and the silence of the "Barras Papers" on the subject seems to prove conclusively that it was not ; but it was probably in anticipation of his appointment as Chief Huntsman that Sir William was required to furnish hawks for the King's sport. This he could well afford to do, as the high sea wall at Fowlsheugh provided and still holds a breed of falcons which were famous over Scotland in the days when falconry enjoyed

¹ Spalding Club, "Miscellany," Vol. V, p. 206.

the prestige of a Royal pastime. Even Lilburn, we find, had heard the praises of these birds, and, Roundhead though he was, confessed a sportsmanlike desire to be possessed of them. Writing to the officer in command at Dunnottar in 1653, he says: "Haveing formerly writt to you to preserve the breede of hawkes neere Dunnottyr Castle, I desire you to give order to the man that climbs the rockes that hee doe nott dispose or give away any of the hawkes to any person whatsoever, without particular direction from your selfe, and that you cause him to preserve them for me, and that you will doe me the favour to send to the Lord Arbothnotts Fawkner to come for them about that time they are readie, that he may bring them unto your very true friend".¹

In an "Accompt off y^e Dañmage qilk Sr William Ogilvy and his Tennants did sustaine be y^e Hiland army in y^e year of God jai vjc and nyntie," it is interesting to encounter a veritable instance of those "distressful visitations" which are referred to in Scott's "Pirate" as responsible for precipitating the hearty English yeoman, Jasper Yellowley, into the genteel but niggardly embrace of Babie Clinkscale. On this particular occasion, the "plaided gentry" who acted as palmer worm to the locusts of the Cromwellian regime, in stripping bare the patrimony of the Ogilvies, were probably that band of highland Jacobites, headed by Lord Frendraught,² who, in September 1690, raided the whole country from

¹ "Scot. Hist. Soc." Vol. XVIII, p. 137.

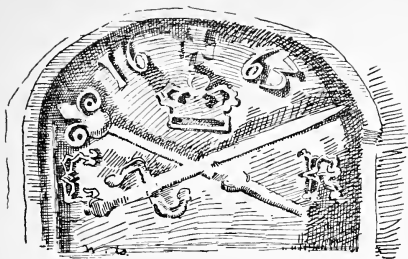
² "Historical MSS. Commission," 15th Report, *Appendix*, part ix. p. 94.

Aberdeenshire to within a mile or two of Stirling, and who succeeded in effecting their retreat, encumbered though they were by "spreath of hors cowes & sheip," to make no mention of what other spoils their predatory instincts led them to assimilate.

From the circumstance that Barras suffered so severely at their hands, we may infer that, by this time, Sir William Ogilvy had "hed a sairing" of the Stuarts, and had avowedly declared himself in favour of the Hanoverian Accession.



THE ARMS OF THE OGILVIES OF BARRAS



The Regalia : Sculptured Stone in Dunnottar Church.

REGALIA PAPERS

I

Commission—"The Earle Mariscall To Geo Ogilvy of Barras."

FORASMUCH as the kings Mātie and Coñittee of Estates have entrusted the care of the keepeing of the hous and castle of Dunnoter to ws W^m earle Marischal, and have allowed fourtie men a Leiutenant and to seriants to be enterteand wthin it vpon the publict charge Thairfore wee doe heirby Nominat George Ogiluie of Barras to be our Leiutenant for keeping of the sd hous And Gives vnto him the sole & full power of the Comand y^rof and of the men that are to be enter-teand y^rin for keeping y^rof, vnder ws wth power to him to bruik enioy and exerce the said place wth all the fees dues and allowances belonging y^rto, Als fullie in all respects as anie other Leiutenant in sic a caise may doe

In witnes q^rof wee have subscryved thir pñts at Stirlin
the 8 of Julij 1651

W KEITH witnes

MARISCHALL

A LINDESAY witnes

A PRIMEROSE¹ witnes

II

*"The Names of the Souldiers of the Garison of Dunotter
& from quhom they are come. The yeir of God 1651."*²

My Lords	Come out baronies	My Lords
men	of Dunotter & Vrie	men
Fra the Mylne of Vras Jon ⁿ Bisset	& Geo Silver one man called	James Kemlo elder
Fra the three pleughs in the Craw-	ton j man hes name is	James Kemlo younger
The sea towne of the Crawtoun j	man called	Henry Rob ^t soune
Newtoun & David Baxter j man	called	Johne Jaape
David Mylne & W ^m Thomsone j	man called	Johne Black
Easter-syd Chappell & Geo Watson	j man called	Alex ^r Kilo
Towne of Stonehyve 4 men q ^r of 2	deficient the names q ^m they	W ^m Patersone
put out is		W ^m Boniboy

¹ Sir Archibald Primrose of Carrington, whose son, by Agnes, daughter of Sir William Gray of Pittendrum, was in 1700 created Viscount, and, three years later, Earl of Rosebery. Primrose witnesses the Commission as Clerk to the Committee of Estates, an office to which he had been appointed, 6th June, 1651, in succession to Mr. Thomas Henderson of Chesters.—"Acts of the Parliaments of Scotland," Vol. V, p. 686.

² The above, along with Nos. v. and xxiii., is in the handwriting of George Ogilvy, as are the letters to Balcarres, Loudoun, and the English officers.

James Forbes James Raney David Anderson at the mylne of Glas- lo j man called	W ^m Forbes
Vras deficient	
Johne Mylne at the Mylne of Cowie j man called	Thomas Linton
Maigray j man called	Johne Dowglas
From the Woodheid j man called	Alex ^r Hervie
Rothnick j man called	Jon ⁿ Baxter
Towne of Cowie j man called	Jon ⁿ Daire
Half of Bannogubbs Corsley & Bannogich j man called	Jon ⁿ Frost
Alex ^r Mengzeis & George Hunter j man called	Jon ⁿ Drummond
Kairntowne & Rob ^t Murray j man called	W ^m Smith
Jon ⁿ Mowatt in Glithnow did contri- bute 10 ^{lb} to help the baronie of Vrie	
My Ladies men	
Item from the 2 over pleughs of Glaslo j man called	Jon ⁿ Maimes
Fra Magnus Charlie & Gawin Charlie j man	Jon ⁿ Ligertwood
Fra W ^m Beatie & the Heads j man called	Thomas Jaffray
Fra James Thomson & Tilliswanlie j man	Jon ⁿ Dickie
Fra Archibald Walker ane man called	W ^m Meason
Fra Nether Creigie & Carmonth j man	Ritchart Clark
Fra Ruittoune & Glentowne j man	W ^m Hogg
Fra Caldhame Cottownbrae Kirk-	

burne & Thomas Rotsone j man called	Jon Skinner
Fra Toucks & Brucklae j man	James Collie
Fra Over & Nether Wyndings j man	Jon Moffatt
Fra Ravensnob & Clachinshealls j man	Patrick Wilkie
Fra James Raitt j man	Ard Dickie
Fra James Murray in Clochnahill j man called	Andro Mylne
Fra Nether Toucks & Fetthers j man	Thomas Mowatt
Fra George Meason & Alex ^r Jack younger j man called	Gilbert Craig
Fra Alex ^r Jack elder & Toddstack j man	Jon Sinkler
Fra Mr Roger Patton j man called	Alex ^r Gardyne
The names of the Barones men	in the Shyre
Fra the Laird of Leyes ¹ 6 men	Johne Reed Donald McKy David Reid Rot Aiken the other two receaved be my Lord himself
Pittfoddells ² 6 men	Geo Edward Jon Raney Alex ^r Murray Arthur Sangster Alex ^r Jamisoune W ^m Tailor
Barres & Lumgair 2 men their names are	Jon Forbes Jon Hutcheon

¹ Sir Thomas Burnett, first Baronet of I eys.

² Sir Gilbert Menzies, then in Holland.—Henderson's "History of Banchory Devenick," p. 187.

Laird of Morphie 4 men called	Jon ⁿ Edward Thomas Goave Geo Tod W ^m Alland
Monboddow ¹ j man called	Alex ^r Mylne
Laird of Pittarrow ² j man	James Suittie
Laird of Laurenstowne ³ 2 men called	James Bishop Alex ^r Straton
Lady Monimusk ⁴ 2 men q ^r off my Lord receaved one the other called	Johne Jamisoune
Laird of Elsick 2 men	Jon ⁿ Brodie W ^m Forbes
Lands of Harviston ⁵ j man qlk my Lord receaved	

¹ Captain Robert Irvine, son of Irvine of Kingcausie. Like so many Scotsmen of his time, he had served under Gustavus Adolphus, and is said to have commanded a troop of horse at the battle of Lutzen.

² Sir Alexander Carnegie, fourth son of David, first Earl of Southesk, and ancestor of the present Earl.

³ John Straiton. Sir Alexander Straiton, "the stalwart laird of Lauriestoun," fell at Harlaw, in 1411.

⁴ Sir William Forbes, first Baronet of Monymusk, married Jean, elder daughter of Sir Thomas Burnett. He was possessed of considerable property in the Parishes of Nigg, Maryculter, and Banchory-Devenick, hence the obligation to contribute to the Garrison. Sir William is supposed to have died in 1653. The obvious presumption is, however, that the "Lady Monimusk" was already a widow and acted for her son, John, third Baronet, who succeeded as a minor.—Macpherson's "Church and Priory of Monymusk," p. 270.

⁵ From the Titles of the lands of Harvieston, we learn that they were disposed to William Napier in Blacklawes, an adjacent proprietor, in life rent, and to James Napier, his son, in fee, by James Scott of Logie, 22nd June, 1649.

Lands of Allardes ¹ j man called	Ro ^t Moreis
Whytriggs ² j man deficient	
The names of the Runawayis of My	The names of
Lords & thes y ^t wes casseired	those taken on
	be the Gow-
	ernor himself
Johne Frost Io ⁿ Iaape	James Meason
Jo ⁿ Clark James Kemlo elder	Jo ⁿ Moreis
W ^m Patersone James Kemlo yo ^r	George Auchin-
	leck
	Jo ⁿ Caddell
My Ladies	
Men	W ^m Raney
Thomas Jaffray	Jo ⁿ Donaldsone
W ^m Meason	James Clerk
	Archibald Lowrie
Barones Men	Jo ⁿ Rind
Laurenston Alex ^r Straton	Andro Jo ⁿ Stowne
Morphie W ^m Alland	Jo ⁿ Crafert
Pittfoddils Alex ^r Jamison Alex ^r	
Murray	W ^m Hambel-
	towne
Lady Monimusk Jo ⁿ Jamison	Jo ⁿ Mennes

¹ Held by Thomas Allardice of that ilk.

² Robert Keith of Whiteriggs, Sheriff Depute of Kincardineshire : appointed Governor of Dunnottar at the Restoration. According to a Declaration made by his great-granddaughter, Nannie Keith, in 1806, when that lady had attained the age of 86, Whiteriggs had a family of seven sons and one daughter. Six of his sons were slain at Killiecrankie, where the seventh, and eldest, was severely wounded. This eldest son, George Keith of Whiteriggs, succeeded to his father's appointments, and contrived to win unenviable notoriety by his treatment of the Covenanters imprisoned in Dunnottar in 1685. His daughter, Elizabeth, became the wife of George Mackenzie, Collector of Cess for the County. A monument erected to her memory, in Dunnottar Church, records her death on 30th May, 1695.

III

¹“*A nott of the Armes and Amunitiōne was within Dunotter at George ogillwyes entris vith the said house.*”

The Inventir of the Amunitiōne vithin Dunotter takine vp Be Robert Keith of quhytriges George ogillweye of barras Androe hamp-towne and william Gregorie 1660.

Item of Canone of yrone great and Small	18 peice
Item of Murdereris ² and ther Chambers ³	4
Mair other tuo yrone chamberis	2
Item of Canone of brass	18 peice
Wheroff ther ar six short ffeild peices and thrie brass hagbetts of fownd ⁴	
By and attour ye	18 peice in all
	21 peice
Item of Pykes	150
Item off Canon ball	100
Item off Musketts ffixt	100
Item of Muskits vnfixt	200
Item of Snap ⁵ and Ruettworks ⁶	130
Item of powdir	26 barrell
Item off ball	10 chestis
Item of Matche	15 barell

They perticullors abow wrytine war all in Dunotter at George ogilweye of Barras his entrie to the house befor the Englishes did enter vith it and notheing now

¹ In the possession of Sir Patrick Keith Murray, Bart., of Ochertyre.

² *Murdereris* : large cannon.

³ *Chambers* : carriages.

⁴ *Hagbett of fownd* : an arquebuss ; a small hand-gun.

⁵ The *Snap* was the precursor of the flint-lock.

⁶ *Ruettworks* : wheel locks. From French *rouet*, “platine à rouet, ancienne platine d'arme à feu portative.”—Littré's “Dictionnaire.”

receawit y^r of saiff the great yrone Gunis Soe that ther is noe armis nor Amunitione delyverit be Cap^t Measone¹ at his removeall from the house except thes yron gunis ffor said as testifies

R KEITH OFF WHYTRIGGES

IV

Extracts² from the Accounts of Arthur Seattone, Chamberlain to the Earl Marischal, relative to the provisioning of Dunnottar Castle.

Item delyuerit to y^e garisson of Dunotter be y^e tenents of y^e saids barronies betuixt y^e 24 agust 1651 till y^e j of mch 1652 yeirs conform To georg ogiluy governo^r his rytand y^e compter having ro^t keith of quhytrigs ryt and for ansering y^e same y^e pticular tenents names being insert in y^e s^d compt y^e meill q^tof extends to sex scoir ane boll is of chalderis—7^{cha} 9^{bs}.

Item delyuerit to y^e garison of Dunnottar be y^e tenents of y^e saids barronies betuixt y^e 24 agust 1651 till y^e first of mch 1652 yeirs qforme to georg ogiluy governo^r his and dirrection gifin to y^e compter to anser y^e same y^e pticular tenents names being insert in y^e s^d compt thair is of Malt thrie scoir fourtein bolls tua pecks ql^k is of bear³—4^{ch} 14^{bs} 3^f.

Item furnished be y^e tenents and y^e compter To y^e garison of Dunottr vpon y^e as is qtened in y^e vitll compt betuixt y^e 24 agust 1651 to y^e j march 1652 qforme to georg ogiluy governo^r his sub^{vit} compt y^rvpon q^{ch} contained q^t is resaved from everie pticular psone wiz. of Mairtes⁴ nyntein extending to Tua hundreth

¹ Cromwellian Governor of Dunnottar at the Restoration.

² In the possession of Sir Patrick Keith Murray, Bart.

³ *Bear*: a rough species of barley.

⁴ *Mairtes*: fat cattle. From *Martinmas*, the term at which beeves were usually killed for winter store.

fyftie four pounds. And of vedders Tuelf at four pounds
 ye peice is fourtie aucht pounds. of capones tuentie
 aucht is 9^{li} 6^s 8^d. of pultrie 4 doz and ten is 9^{li} 13^s 4^d.
 of chikines 8 16^s. of egges seventein doz at 17^s. of
 candell sex stane at 8 mk ye stane is 32^{li}. four barrell
 herring 61^{li} 6^s 8^d. tua stane butt^r 10^{li}. 7 stane cheiss
 14^{li}. tuelf aiken¹ planks 8^{lib}. fra James clerk 320
 dells² 171^{li}. fra James Smyt in abdēn 12 aiken garons³
 12^{li}. 2 barrell tar 26^{li} 13^s 4^d. 7 stane ha-stane pitch
 25^{li} 4^s. 2000 dubill plenshon⁴ 20^{li}. 21 stane Irne 48^s
 ye stane 50^{li} 8^s. Item 3 stanes rossit⁵ 7^{li} 4^s. 2 pund
 stiffin⁶ 1^{li} 6^s 8^d. 1 q^rter glew 32^s. half rim peper 6^{li}
 13^s 4^d. half ane reim gray peper 20^s. ane dusson
 quhyt Iron 3^{li}. sex brass panes 23^{li}. ane q^rter half
 pund copper 3^{li}. 4 doz spoones 40^s. for expenss
 agrieng wt ye chirugin⁷ 10^s for arles⁸. of aiken planks
 y^t will not moey To pey. 20^s for ane stane tobacco.
 j gross pypes 14^{li} 8^s. to tua botts⁹ from abdēn to
 Dunotter 8^{li}. for arthur setton chirugin and ye canoneir
 y^r expenss 3 nichtes in abdēn 4^{li} 6^s 8^d. for brimston 5^{li}
 6^s 8^d. To michell keith for intelligence 30^s. to ye
 boits y^t went to abdēn for ye provision & gat non 8^{li} 2^s.
 for ye Compters expenss 3 nichts in abdēn 3^{li}. for 6
 quhyt Iron 30^s. Item for bill restand to ye compter
 out over ye 100 mk he gat fra M^r thomas steuart q^{ch}
 wes given to David karns & to pey 8 gests¹⁰ 6 pon-
 shones¹¹ to James clerk so rests him 7^{li} 6^s 8^d.
 qlk soume aborytin is 857^{li} 1^s.

¹ *Aiken* : oak.² *Dells* : Deals.³ *Garons* : spike nails.⁴ *Dubill plenshon* : large nails used in nailing down floors to the joists.⁵ *Rossit* : resin.⁶ *Stiffin* : starch.⁷ *Chirugin* : surgeon.⁸ *Arles* : money given to confirm a bargain.⁹ *Botts, boits* : boats.¹⁰ *Gests* : joists.¹¹ *Ponshones* : pieces of timber placed upright under the ridge of a building, wherein the legs of a couple, etc., are jointed.

Item allocatted be ye Compter peyit to Alex^r largie
 qforme to georg ogiluy governo^r his rytand and pticular
 compt 36^{li} 3^s.

V

*"The Compt¹ of the Clothes belonging to My Lord and
 delyvered to the souldiers."*

To Donald Macky and William Forbes a pair of
 plaids & a whyt and reid covering

To Jhon Brodie & Andrew Mill a pair of plaids &
 a covering yeallow & greine

To Jhon Forbes & Jhon Hutchon a pair of plaids &
 a covering whyt & black

To James Suitie & Jhon Edward a pair of plaids &
 a covering whyt & black

To Arthur Sangster and William Smith a caddess²
 blanket

To George Edward & Jhon Ranie a pair of old
 blankets

To Jhon reid Jhon Mores & Jhon Caddell a pair of
 plaids & a peice of linging³

To William hog & Alex^r Mill tuo pair of plaids & a
 covering black & yellow

To William Tailor & Alex^r Garden a pair of plaids
 & a jicked reid covering

To Jhon Sinkler a pair of plaids & a covering black
 & reid

To Jhon Bakster & Robert Moris a pair of thick
 blankets

To W^m Boniboy & Jhon Adar tuo pair of plaids

To Jhon Ligertwood

¹ In the possession of the Rev. William Disney Innes of Cowie.

² Caddess: lint.

³ Linging: linen.

To Jhon Muffet & Patrick Wilkie tuo pair of plaids
& a covering blew & yeallow

To Jhon Dickie & his Sonne Tuo pair of plaids & a
covering grein & black

To Gilbert Craig & Robert Aikin tuo pair of
plaids

To Thomas Mowat a pair of plaids & a peice of
linging

To Henrie robertsone & James Bishope tuo pair of
plaids & a covering reid & black

To David reid & Georg fleck¹ tuo pair of plaids &
a covering

To James Clark & Alex^r Murray tuo pair of plaids
& a covering black & whyt

To Jhon Skinner & John Frost a pair of plaids & a
pair of blankets

To Jhon Mernis & W^m Forbes smith, tuo pair of
plaids & a covering black & reid

To James Meson a pair of plaids

VI

*The Committee of Estates "For The Right Honoble
The Earle of Marshall."*

KILLIMURE 24 August

RIGHT HONOBLE

The Kings Ma | stuffes w^{ch} are now at
dundie, are appointed by act of the Comittie of Estates
to be caried to dinnotter Wee most thairfor entreat your
lo | to provyde for thame sufficient roomes and that
the keyes tharof be delyvered to the master of the

¹ *Fleck* : an abbreviated form of Auchinlech, akin to Affleck.

wairderop or any haueand his order· Sua hoiping yee
will not fail in so doeing, wee are

Your lo | most humble
Servant^s

A S DUFFUS¹

LOUDOUN· CANLLRIUS·

A HEBBURNE²

CRAFURT & LINDSAY

A BELSCHES³ BALCARRES

VII

*The Commission of the General Assembly "To the much
honoured The Governour of Dunnotor."*

SR

The Comission of the General Assembly did
resolve to recomend to my lord the Erle of Marshall the
securing of some of the registers and special papers
belonging to the Kirk in his house of Dunnotor⁴ And

¹ Sir Alexander Sutherland of Duffus, first Baron Duffus.

² Sir Adam Hepburne of Humbie represented Haddingtonshire in Parliament, and figures as an active member of the Committee of Estates. He was among the number of those who were surprised and taken prisoner, with the Earl Marischal, at Alyth, 28th August, 1651.—Balfour's "Annales," Vol. IV, p. 314.

³ Sir Alexander Belsches of Tofts, in Berwickshire, a Lord of Session and Justiciary under the style of Lord Tofts, shared with the "laird of Lamertone" the representation of his native County.—*Ibid.* p. 259.

⁴ There appears to have been only one volume so secured, if we may judge from the Act of the Commission of Assembly, met at Falkland, 22nd April, 1651: "The Commission of Assembly having heard by the Clark that, according to their former order, he had put the Kirk Registers in the Basse: onlie the great Volume, which is a double of sundrie of the old Registers, he had not putt there by the advice of the Lord Register, conceaving it was more fitting . . . that it should be putt in some uther sure place . . . doe appoint the Clark to putt the same in Dunnotter to be kepted there safely, and that the Moderator speake or writt to the Earle Marschall that his

his lo | in Sterling did very willingly and courteously promise not only shelter and security but all convenient accomodation for them Therfor the Clark of the Assembly hes come alongst with them to see them put in some convenient place And your caire of them they being of such importance to this Kirk is expected from the Generall Assembly and their Comissioners And earnestly intreated by

Your affectionat friend
and servant in the Lord
MR ROBERT DOUGLAS ¹

VIII

The Committee of Estates "For George Ogilvie deputie governor of the Castle of Dunnoter."

ABERDENE last Agust
1651

LOUEING FREIND

It being thought fit That the honors of the Crown should be for thair farther securitie removed frome that place, The laird of Innes² wes yrvpon sent on saterday last to receave thame, Bot vpon pretence of your absence nothing wes done, Q^rfore wee have againe sent these to yow To know your Resolution That accordinglie wee may send some to reseave thame, What ever fall out this wilbe ane exoneration to ws, Yow sall also send to ws ane accompt of the condition of the hous

Lordship may be pleased to give order for receaving and securing thereof in that place carefullie."—"Scottish History Society," Vol. LVIII, p. 404.

¹ Mr. Robert Douglas, Minister at the High Church, Edinburgh, had officiated at Charles' Coronation. A leader of outstanding courage and integrity, he acted as Moderator of the General Assembly, on five separate occasions, between 1642-51.

² Sir Robert, first baronet, and twenty-fourth Innes of that ilk.

of Dinnoter, what yow heare of the enemies motions,
& of the resolutions of the shyre of Kincardin

Wee are informed that a servant of Colonel Geo :
Keiths¹ is latelie come frome the kings Army in Eng-
land and is now in or about Dinnoter Yow sall y^rfore
send him in to morrow to this place to the Comitie That
frome him they may have accompt of bussines y^r Wee are

Your assured freinds

CALANDER

A G DURIE²

SR TH NICOLSON³

SR J INNES⁴

A BELSCHES

RO : FARQUHAR⁵

IX

*"The Commission of the Kirk wt a receipt be the E of
Balcarras To the Governour of Dunnotar."*

SR

Ther being heir by y^e lords providence a
qsiderable number of y^e Comission of y^e kirk, & having
taken to qsideration y^e qdition of y^e registers of y^e kirk
y^t are y^t wt you in y^e house of dinnoter : have thought
it fitt they be delivered to my lo. Balcarras to be disposed
on as y^e comittie of estates hes ordained y^e honors of

¹ Colonel George Keith of Aden, younger brother of the Earl Marischal, who succeeded as eighth Earl in 1670.

² Sir Alexander Gibson of Durie, son of Lord Durie, the celebrated Judge and author of Durie's "Practicks".

³ Sir Thomas Nicolson of Carnock, a Lord of Session, and representative for the County of Stirling.—Balfour's "Annales," Vol. III, p. 167.

⁴ Sir John Innes of Cromy, younger brother of Sir Robert of that ilk.

⁵ Sir Robert Farquhar of Mounie, Merchant in Aberdeen, and Provost of that City. He is reputed to have been one of the richest men of his day, and was largely engaged in provisioning the Covenanting armies.—Munro's "Aldermen, Provosts, etc., of Aberdeen," p. 151. It was probably at his hands that the meal destined to supply Dunnottar was "sold and deponed" in Aberdeen.—*v. infra*, p. 102.

ye Kingdome to be disposed of. Q^{ro}f these presents shall be a warrant to you, and in doing hereof you shall oblidge us to q^{tin}ou

Aberdeene

Your affectionatt freinds

this 2

in the lord

of Sept^r Mr F CARMICHAILL¹ Mr JA WOOD²

Mr W^{lm} STRACHAN³ Mr O COLT⁴

MR JAMES ROBERTSON⁵

MR WILLIAM DOWGLAS⁶

Aberdene

MR E MELVILL⁷

this 2 of Sept^r

RO : KER⁸

Mr ROBERT YOUNG⁹

¹ Mr. Frederick Carmichaell, Minister at Markinch.—Scott's "Fasti".

² Originally an Episcopalian, was converted to Presbyterianism by Alexander Henderson.—Wodrow's "Correspondence," Vol. III, p. 35. He was ordained Minister at Dunino in 1640; elected Professor of Divinity in Marischal College, Aberdeen, and Minister at Greyfriars in 1644; and transferred to St. Andrews in 1645.—*Ibid.*

³ Minister at Old Machar.—*Ibid.*

⁴ Mr. Oliver Colt succeeded his father, Mr. Adam Colt, as Minister at Inveresk in 1641.—*Ibid.*

⁵ Minister at Cranston.—*Ibid.*

⁶ Minister at Forgue, was appointed to succeed Dr. Forbes of Corse as Professor of Divinity in King's College, Aberdeen, in 1644.—Spalding's "Troubles in Scotland," Vol. II, p. 260. In the following year he accompanied Andrew Cant and the other Covenanting Clergy who took refuge in Dunnottar Castle.—*Ibid.* p. 459. "He was reckoned a great man among the Covenanters next to Mr. Alex. Henderson. He entered to be Professor about the year 1644 and continued till Charles the Second's restoration and then he joined the Episcopal party, and kept his place."—Orem's "Description of Old Aberdeen," p. 329.

⁷ Mr. Ephraim Melvill, formerly Minister at Queensferry, where he distinguished himself in the pious art of witch burning. He had been translated to Linlithgow in 1650.—Scott's "Fasti".

⁸ Minister at Haddington.—*Ibid.*

⁹ Regent of Humanity in University of Edinburgh, was appointed

I Alexander Lord Balcarras grants me ⁊ conforme to the abovewrīn warrant To haue ressavit from George Ogilvie off Barras Lifetenent governo^r of dunoter the registers of the kirk above speit Be thir pñts wrīn be Mr Alex^r Patone wret^r in ed^r Subt wt my hand at Stanehyve the second day of September jai vic & fyiftie ane yeires Before yir witness Thomas Strachan & Walter Logan

BALCARRAS

THOMAS STRACHAN witness

WALTER LOGAN witness

X

"The university of St Andrews with a Receipt of Yr Monuments¹ To George Ogilvy of Barras."

RIGHT HONOURABLE

The universitie of St androws doth returne heartie thanks to your honour, for the favour & Minister at Dunbarny in 1647, and preached at the opening of Parliament, 3rd March, 1651.—Scott's "Fasti".

¹ In an article contributed to the Society of Antiquaries of Scotland Session 1891-2, it is argued, with apparent probability, that the "monuments" here referred to were the Maces of the University. "Sir George Ogilvy," the writer tells us, "uses the same term (monuments) in referring to the Regalia. He describes the Crown, Sword, and Sceptre as the 'ancient monuments of this Kingdom'. He also refers to the Regalia under their well-known designation, the 'honours of the Kingdom'; and it is noteworthy that the Senatus, in a minute of 1738, describes the two Faculty Maces as the 'honours of the University'." Alluding to the statement "saftie is expected for them in this place," the writer brings under review the tradition "of wellnigh two centuries" that the Maces of St. Salvator's College, and of the Faculty of Arts and Canon Law were discovered in the Tomb of Bishop Kennedy, in the Chapel of St. Salvator's, in 1683, together with three others which were subsequently gifted to the Universities of Edinburgh, Glasgow, and Aberdeen respectively. While effectively disposing of the latter portion of this story, he seems

courtesie yow was pleased to shew unto them in receiving their auncient monuments unto yowr custodie & preserving the same from danger untill this tyme : & now seing saftie is expected for them in this place, they desyre, yow may be pleased to delyver them unto the bearer herof Robert yowle on of their servitours to whom they have comitted the care of conveighing them hither again & so they rest

Yowr humble servants

from St and : MR ROB : HONYMAN¹

5 Sept : 1651 clarke of the universitie for the tyme

I Robert yowle servant to the vniversitie of St Andrews grant me to have resaved frome George Ogilvie

inclined to discredit it *in toto*, on the ground that the "monuments" in question could not have been there during the Commonwealth *if they were in Dunnottar Castle*. Exactly so : but were they in Dunnottar? Robert Honyman's letter, together with Yuill's receipt, distinctly prove that they were not. The facts are these. Parliament, met at Stirling on 5th June, 1651, decides that the Regalia be sent for safety to Dunnottar ; and forthwith the General Assembly solicit Marischal to accept the custody of their Minute Book, the University of St. Andrews of their "monuments". Before the end of August, however, the Committee of Estates have come to the conclusion that Dunnottar Castle is no safe asylum for the Honours, and send the Laird of Innes with a letter demanding their surrender. The others immediately followed suit. Ogilvy refuses to part with the Regalia, but he has no scruple in taking the General Assembly and the University authorities at their word. Lord Balcarres receives the Church Records on the 3rd of September : two days later Yuill removes the Maces. Meanwhile, nothing has transpired to render the latter safer at St. Andrews than they would have been a few weeks earlier, unless we take it that, driven to extremity, the Senatus had set their wits to work to find a hiding-place which the Cromwellians would be unlikely to invade. The Bishop's Tomb precisely answers that description ; and the tradition of their being found there thirty years later is presumptive evidence of their having been entrusted to its ghostly keeping.

¹ Regent at St. Leonard's College.—Scott's "Fasti."

of Barras governor of dunotter the monuments of St Andrews put in ther for safetie. Sūbt at dunotter y^e ij of agust 1651

ROBERT YUILL

XI

The Committee of Estates to Lord Balcarres.

RVT HONOLL

The Comittie of Estatis taking into ther consideratione how necessarie it is in this tyme off trouble that speciall cair be taken of the saiff custudie of the honors off the Crowne and the kings stuff which war sent to dinnotter we desyr your lo | that yow wold tak a speedie and effectuall way for preservatione theroff wher they may be surest keiped frome danger which trusting your lo | will cairfully performe we rest
your lo | verie affectionat freinds

WIGTONE

LOUDONE CANCELOR

LOTHIAN

ARGYL

SR JAMES WEMIS BOGIE¹

LINLITHGOW

SR ARTHUR STIRLING

HOME

BLAIR OF ARD BLAIR²

WEMIS

JAMES MANTEITH³

MR GEO DUNDASS⁴

MR JOHN COWEN⁵

Frome Westend

of Lochtay

this 10th Septemb :

1651

¹ Sir James Wemyss of Bogie.

² James Blair of Ard Blair, Commissioner for the County of Perth.

³ One of the Commissioners for Edinburgh.

⁴ George Dundas of Duddingston, Representative for Linlithgowshire.

⁵ Mr. John Cowan, eldest son of Walter Cowan of Tailzourtoun, was admitted to the Guildry of Stirling as heir to his father in 1647 :

XII

Lord Balcarres "For the Governour of Dunnotter."

SR

You ar nou I beleeeve hardly in expectation of releefe & yee knoue hou much it concernes not only the kingdom bot your self in particular y^t the honors be secured: I shall therfor again desire you by verteue of the first warrant which you saue & of this likewise which I have lately received & nou send you inclosed that yee deliver them immediatly after the receipt hieroff to the Bearer S^r Arthure Forbes¹ whose receipt of them under his hand I doe hierby declaire shall be as valide for your acquitall & liberation as if yee had it under the hand of

Your affectionat freend

to serve you

Duffus ij Octobr^r 1651

BALCARRES

I shall not nou repeat ye arguments I used to you at Dunnoter If they wer strong then, I am sure they ar much more nou, for the condition of businesse is much

he was elected Dean of Guild at Michaelmas, 1648, and removed from office, 9th October, for being "accessor to the lait unlauchfull engadgment".—"Stirling Burgh Records," Vol. II, p. 195. Cowan satisfied for his offence before the Presbytery of Stirling in April, 1651.—"Scottish History Society," Vol. LVIII, p. 385. On 3rd June he was appointed Commissioner for the Burgh.—"Acts of the Parliament of Scotland," Vol. V, p. 679. He died in 1652.—"Stirling Burgh Records," Vol. II, p. 296.

¹ Sir Arthur Forbes of Castle Forbes, co. Longford, grandson of William Forbes of Corse, and Elizabeth, daughter of Strachan of Thornton. He was an active and devoted Royalist: took a prominent part in the Glencairn Rising in 1653-4; and was in command in Scotland for the King in 1655. Sir Arthur was created Viscount (22nd November, 1675) and Earl of Granard (10th December, 1684).—G. E. C. "Complete Baronetage," Vol. II, p. 360.

altered since, I say no mor bot remember what I then spoak to you as your freend.

XIII

"George Ogiluy to my Lord Balcarres."

MY LORD

Yours I receavit and ane letter frome the comitie of estats to your | lo | daitit the tenth of Sep^r q^rin they desyr your | lo | to hau ane cair for securing of the honors and the king stuiffs q^{lk} wes in dono^r bot no order to your | lo | for remouing of the samen nor to me for the delyuery of them bot as I doe presaue is raider to hau takine courss w^t this houss q^r they ar to hau furnest the samen w^t both wittolls and men and every thing niedfull as the securest part nou in this part of the kingdome, bot gin the comitie of estats quhos hands is at this letter sall aney way think otherways I reuerence ther better jugment and sall upone the recat of ane order frome them w^t ane exoneration to my lord marchall and me delyuer them to aney hauing that warrand q^{lk} I hop will giu your | lo | full satisfactiō for bot ther particular order I can not dou it being ane busines of such gryt Importance, and I hop your | lo | will pardoune me for that and in the mane tyme that your | lo | wald be plessit to causs prowyd us of wittolls for as your | lo | knous ther wes ane order derectit frome the comitie of estats to the generall comisser¹ for to hau sent heir sax hundreth bolls of meill q^{fof} we hau not receavit the halff y^{of} and nou as I ame informit they hau sold and disposed the samen at Abd. and the schyr of the mernes q^{lk} sould hau peyit

¹ Sir John Smith, a provost of Edinburgh, and one of its representatives in Parliament, was appointed "Generall Comissarey," 3rd December, 1650.—Balfour's "Annales," Vol. IV, p. 195.

mantinence to us will not acknowlgerg us ane peney as
 your | lo | may presaue be ther ansur to me q^{lk} your |
 lo | sall receave heir incloissit so I think we ar in ane
 very hard conditione and I think gin thes honors wer
 remoue, non sould dou so much as once ask for us, bot
 I hop your | lo | for the respeck ye carey to my lord
 marischall will tak this to your consideratiō and let us be
 supplid of such things as we stand in nied of for since I
 hau ane particular order frome the king for keiping of
 this hous and since your | lo | hauing the pour in your
 hands w^t the comitie of estats I hop spedie courss salbe
 takine about the prowying of this houss for gin your |
 lo | and the comitie wald prowyd me w^t ane hundreth
 men q^rof I hau receauit non as yet excep fourtie & so
 long as I hau wittolls or a^munitione I sall mantine the
 samen wnder God aganest all Ingland So not willing
 to trubill your | lo | forder bot that I ame

Your | lo | most humbill seruant

[GEORGE OGILVY]

XIV

*George Ogilvy "For the Richt honobll the earll of Low-
 done Lord hy chandler off Scottland."*

MY LORD

Haueing beine sundrie tymes prest to delyuer
 the honors, as first be my lord Calender by a order of
 comitie of estait siting in Abdn, and thereafter be the lord
 balcarass, by a order by the same comitie and last of all,
 by a letter frome the lord balcarass to me to delyuer the
 honors to S^r arthur forbes grounded wpone a letter
 frome yo^r lo | and the rest of the comitie of estait of
 the tent of Sep^r last, all which orders they may conceaw
 to haue bein suficient for them to have resaved the
 honors, but as I conceawe no suficient warand for me to

delyuer them, haueing resaved the charg of that hous and what was intrustett therin frome the earll marshell and then by a particular warand wnder his matesies oune hand, Yet notwithstanding if yo^r lo | and the comitie of estait ther sall conceaw that they may be mor secūr in any other then they ar heir, I shall delyuer them to q^m yo^r lo | and the comitie of estait ther shall apoynt to resauē theme, they bringing with them ane act of the comitie for the earll marshall and my exoneration therof, and that I haue withall a particular order for the delyuerie of them, but with all humblie submiting to yo^r lo | and comitie of estait ther better consideratione, I conceawe that ther is no place in this kingdome q^r they cane be mor secur, nor q^r they ar, and with les charges, If the comitie of estait be pleased to tak order tymeouslie for furnishing of me with sutch things as is necessar for the defence of this hous; for all former orders that was apoyntit for the furnishing of itt is altogider disobeyed: for q^r the gnall comisser sould haue send In to itt sex hundreth bols of meall I haue not resaued the halff therof and as I ame crydible informed he hath sold and is seling the rest of itt in abd^t, and for the maintenance of the mearns which was apoyntit for this hous ye will find the heritors anser by the copy of a letter to me frome the clark of the comitie of the shyr heir Inclosed, I humblie desyr that the comitie of estait wold be pleased to give order that I may haue ane hundreth men apoyntit for the defence the hous of which as yeit I haue resaved but fourtie, I haue send yo^r lo | the doubell of my letter to the lord balcarass wherby my proceidings may be knowen, if that he be ther that you wilbe pleased to lett hime haue it for I haue sent one of purpos with it to the chanry of Ros¹ for S^r arthur forbes wold not

¹Fortrose. Balcarres was probably resident at the time at Ormond Castle, the seat of the Earls of Seaforth. He had married

wpon any tearmes wndertak to send my anser to the lord balcarass, altho the comitie of estait in the letter to the lord balcaras did speak as weill of the kings stuff as of the honors yeit nether in his letter to me nor in his order to S^r arthur forbes [was it] so mutch as mentioned and I houp that if you tak that Resoluitioun to remow the honors you will think vpone some cours for his majesties stuff, if it wold pleas the comitie of estait to liberat the earll marshell and his mother ther lands in buchane mar and mearns frome the marquis of huntlie¹ and wy^{rs} ther leuys,² and apoynt them for the garison of this hous they wilbe as many men as I sall desyr for the defence of the same, all which I humblie remit to the wys consideratione of the comitie of estait and that they may be pleased to lett me know ther resolutions heirin that I may the better despos of the afairs concerning this hous and that yo^r lo | pardone the tediousnes of this letter which I could not shorten in respect that the busienes therin is of so hye ane concernment, thes I humblie Intreat may be Impartit to the comitie of estaitt frome

Yor lo | most humbell
Serwand

Dunotter [31] of
October 1651

GEORGE OGILVY

Anna, daughter of Colin, second Lord Mackenzie of Kintail and first Earl of Seaforth, in 1640.—“The Scots Peerage,” Vol. I, p. 519.

¹ Lewis, eighth Earl and third Marquis of Huntly. In a News-letter published in the “Mercurius Politicus,” 5-12 February, 1651-2, he is thus described: “*Huntley* is a man more in Debt than his whole Estate, a man infinite proud and ambitious, vastly expensive; That which at present quiets him, is, That he is in possession of his whole Estate; neither *Sequestration* nor *Law* troubles him, and he hath by him Companions for any adventure.”—“Scottish History Society,” Vol. XL, p. 17.

² *wyrs ther leuys*: the rest of them.

I haue sent a particular of sutch wituall emontione and wther sutch things which I conceaue to be necesar to be had for the defence of the hous of Dunotter which if the comitie of estait salbe pleased to tak ower for delyuerie of the same to me I houp and ame confident with Gods asistance to keep and mantaine this hous against any enemy qtsomever.

XV

General Overton "For ye Honoble ye Governor of Dunottor Castle & to ye rest of ye Gentlemen their."

GENTLEM

I haue power to domillish yo^r owne & ye remainder of ye Lord Marshall^s Houses in these partes, except yow timously prevent ye same by ye giueinge vp ye Castle of Danotter to ye vse of ye state of England apou such tearmes as other gentlemen of honor haue heare to fore (when ye forces of this Nation were more significant) accepted. Yow may obserue this season w^{ch} ye moste significant Parsons of yo^r nation close wth by putinge theyre parsons and estates vnder oure protection, yow may likewise consider how Imprudent, or att least improvident a parte it may be reputed in a time of pacification for yo^r selues to be ye onely Antagonists to an Armie whose Armes God Almighty hathe hitherto made successefull againste yo^r moste considerable cittadell^s: I dare not promise yow ye like oportunity for good tearmes in future to cum of vpon as all is redie vpon spedie capitulation att present to performe, whoe rests gentlem

Yo^r humble servant

R OVERTON

Steane Hiue Novembr 8th

XVI

George Ogilvy to General Overton.

SR

I have receaved yours, for answer vherunto ye shall knou that I have my Com̃issione absouletly from the kings magestie & non else vher for ye may doe vhat ye please vt my lord Marishall his houses for he hes no interest in this, vchich by the help of the lord I intend to preserve to the utermost of my lyfe till I have further orders from his magestie & the successe you have hed in former tymes shall no vyse move me to the contrer, for I knou that the lord is aboue you to vwhose providence I intrust myselfe & bids you fareveil

SR

Dunotter the
8 of november
1651

Your Servant
GEORGE OGILVY

XVII

*The Earl of Loudoun "For my much respected freind
George Ogilvie governour of Dunnottar."*

SIR

Your letter of the last of october, cam to my hand vpon the 9th of november instant, and the parliament being appoynted to meitt here vpon the 12 day, I stayed the bearer in expectatione, that I might Return to yow the parliaments ans^r and ordors. But the parliament not haveing mett, and ther being no meitting of the committe of Estates I can giue yow no positieue advyce nor ordor, But I conceaue That the trust com̃itted to yow, and the safe custodie of thes thinges vnder your charge did requyre that victual, a competent number

of honest and stout sojors, and al other necessars, should have beine provyded, and put on the castle, befor yow had beine in any hasard, and give yow be in gude conditione, or that yow can tymlye supplye your selff with al necessars and that the place be teneble, against al attempts of the Enemie, I doubt not but yow wil hold out, But if yow want provisiones, sojors and ammuni-
tion, and can not hold out at the assaults of the Enemie w^{ch} is feared, and thought yow can not doe, If yow be hardlye persewed. I know noe better expedient, then thet the honors of the Crowne, be speidilye and saffie transported to some remote and strong Castle or hold in the highlands, and I wish yow hade delyvered them to the lord Balcarras, as was desyred by the Committe of Estates, nor doe I knowe anie better way, for preservati-
one of thes thinges, and your exoneration, and it wil be ane irreparable lose and shame, if thes thinges shal be taken by the Enemie, and verie dishonorable for your selff, I have heir w^t Returned your letter to lord Balcarras, heiring he is still in the north and not come to this cuntrie, I have written to Sir Jhon Smyth to furnish to yow the Remainder of the victuel yow writt he should haue given yow, If he be in the north yow wil send It to him, but if he be gone home to Edr, I can not help it, so haueing given yow the best advyce, I can at present, I trust yow wil w^t al caire, and faithfulness be ansrable according to the trust committed to yow, and I shal stil remaine

Your verie assured & reall freind

LOUDOUN CANLLRIUS.

Finlarge 13th November

1651 :

XVIII

*Colonel Dutton "ffor the Comandr in Cheife of
Dunnater Castle."*

HONORED S^R

Whereas yow keepe Dunnatter Castle for the vse of yo^r Kinge; which Castle doth belonge to the Lord Marshall, whoe is nowe prisoner to o^r Parliamt of England. These are to advise and requyre yow in their names to surrender the said Castle to me for their vse: And I doe assure yow by the word of a Gentlman that yow shall haue very Honorable & Soldier lyke Condiçons, if yow refuse this offer, then, if any thinge shall happen to yow contrary to yo^r expectaçons, by the violence of o^r soldiers, blame yo^r selfe, & not me; ffor I may tell yow that the Lord hath beene pleased, to deliur vnto vs many stronger places by storme then that is since o^r vnhappy difference hath been, And I doubt not but the same god will stand by vs, in o^r attempts in this. I desyre yo^r speedye answeare, & shall rest

S^r

Dated att Stone Hyve Yo^r very humble servant
the xxij of Nob^r 1651 THO DUTTON

XIX

George Ogilvy to Colonel Dutton.

HONORED SIR

Wheras yow writt that I keep the Castle of Dunotter for the vse of the kings Mãtie which house (as yow say) doth belong to the Earle Marischall; yow shall know I have my Cõmission absolutelie from his Mãtie and non else, neither will I acknowledge any mans Interest heir, and intends by the assistance of God to

maintaine the same for his Māties service vpon all hazard whatsoever. I hope yow have that much galantrie in yow, as not to wrong my Lord Marischall his lands seeing he is a prisoner himselff and hath no relatione to this place for the present. Whereas yow have had success in former tymes, I attribut it ~~rather~~ to the wrath of god against us ~~than to any love he hath had to yow~~, and the vnfaithfulness of those men who did mantaine the same, non wherof yow shall find heir by ye lords grace. to whom I comitt my selff and am

Sr

Dunotter novemb. 22.

1651

Your verie humble servant

GEORGE OGILVY

XX

The Duchess of Hamilton to George Ogilvy.

HAMILTON 9 Dec 1651

NOBLE SIR

These are to rendere you thanks for the sheltere which some papers that now are mine heauc had under your protecxione, and to deseire you att the reseate hereof to deleuere to this bearrer My saruante James Hamilton all that was intrusted to you of my unckels the Duke of Hamilton, which shall be receued as a furder obligation to

Your saruante

A HAMILTON¹

I James Hamiltoun servand to the said Lady dutchess of Hamiltoun grant me to have received the said papers belonging to her conforme to her letter. Sub^t at dunotter Decemb^r 25 1651

J HAMILTON

¹ Anne, daughter of James, first Duke of Hamilton, succeeded her uncle as Duchess in her own right, September, 1651.—"The Scots Peerage," Vol. IV, p. 381.

XXI

General Lambert "For the Governor of Dunotter Castle."

S^R

Being desirous to auoyd y^e effusion of blood and y^e destroying of y^e countrey, I have thoght fitt to send you this summons to surrender up y^e Castle of Dynnotyr w^t y^e p^uisions of warre therto belonging into my hands for y^e use of y^e Parliamt of y^e Commonwealth of England. If you shall hearken heerto wth speed, you shall haue conditions for y^rselfe and y^e souldiers under y^r Command, as may befitt a man of honour and one in y^r condition. I expect y^r speedy answer, and am

Y^r seruaut

Dundee Jan : 3^d 1652.

J LAMBERT

XXII

George Ogilvy to General Lambert.

HONORED SIR

I haue receaued yours for surrendering of the Castle of Dunotter, the lyk wheroff I haue receaued from sundrie of your officiars befor, and haue given answers therto that being Intrusted be his Matie, I wold not surrender the samen vpon any hazard whatsomever, bot intende by the help of the Lord to maintaine the same till I shall haue orders from his Matie in the contrair. I shall be as loath as any to occasione the effusione off blood, wheroff too much hath beine alreadie, bot shall be farr mor loath to betray the trust Imposed vpon me. I cannot bot thank yow for your offers, and remaine

S^r

Your seruaut

GEORGE OGILVY

Don^r Ian^r 7

1652

XXIII

"Contract betuixt George Ogiluy Gowerner of Donoter and Cornell David Lichtowne."

At Donoter the nynth of Jan^r jai vj^c & fyiftie tua years It is endit and agriet betuixt George Ogiluy Gowerner of Donoter and Cornell David Lichtowne that the said Cornell David sall stay in the Garischoune of Donoter and discharge the dewetie of ane officer nixt the gowerner himselff and not remoue therfra till he sall haue his pais¹ frome him and salbe faithfull in his charge during his abood for the q^{lk} the said George Ogiluy obliges himselff to pey to the said Cornell David Lichtowne monethlie four boolls meill or fourtie pundis money and the said Cornells entry wes in the begining of Sep^r last by past jai vj^c & fyiftie ane and so furth to continow during his abood in that charge, And q^t mor it sall pless the kings Majestie or the earll Marschall to bestowe upon the said Cornell for his guid service this salbe no-ways prejudiciall to the samen and both the said parties obliges themselff to stand heirbe Subscrit w^t our hands day and year foirsaid befor thes witnes M^r Androw Hendersone and Rot Douglas both in Dono^r etc.

A HENDERSONE witnes

GEORGE OGILUY

R DOUGLAS witnes

DAVID LICHTON

XXIV

² *George Ogiluy "For The King His Majestie."*

Dunotter februarie :

first 1652

May it please your Maiestie

The sad condition this your ancient kingdome is in (wich the Lord in his wise dispens^{one} hath suffered

¹ *Pais*: pass.

² This letter is printed from the original preserved among the

an perfidious enemie totalie to subdue) Together with the great trust your Majestie hath comitted to your unworthie servant doth make me to haue my humble adresse to your Mātie, shewing That wheras your Mātie committed the government of this kingdome to those noblemen who ar nou in the enemies hands among whom is the Erle Marishall, who if hie had beene at Libertie wold haue done his utmost endeauors for this place, and those who remained in the kingdome (as Huntlie, Balcarras, and others) from whom some help was expected, haue laid down armes and submitted themselves to the enemie, And those forts wich might haue beine preserved for your Māties service, ar all given up to them this onlie of Dunotter excepted wich is mor looked upon by the enemie then anie place of this kingdome, the honors of this kingdome, that wich is preserued of your Māties stuff and uther things of concerement being hier, wich although, some noblemen (who now haue submitted themselves, haue required from me, yet I haue retained them, being persuaded that they could not be so saif in anie other place of this kingdome, if those noblemen had done ther dutie and the euent declaring that now they sould haue bein in the same condition as themselves, your Mātie will be pleased to take this to your serious consideration and see hou this place (wich by the Lords asistance shall not be deliuered into ther hands in my default) may be prouided with Amunition and other

Clarendon MSS. in the Bodleian Library at Oxford. A copy of Ogilvy's first communication to the King, dated 20th December, 1651, occurs among the "Barras Papers," and is in substance identical with the above, save that it couples Dumbarton with Dunnottar as still holding out for Charles. "Those forts . . . ar given up to them, Dunbartoun and this of Dunotter only accepted." This copy, which is written in a later hand, discovers many variants on points of minor detail. It will be remembered that Dumbarton Castle capitulated early in January, 1652.

necessars for I haue receaved nothing from the publick
 (as your M^{tie} ordained) bot haue mantained the same
 upon the small rent My lord Marishall hath in this place,
 And now am so enuironed on all hands that non will
 come in with prouision, onlie the sea is patent if I had
 friends wherfore yo^r M^{tie} will be pleased tymouslie to
 send your royall co^mandementes hither (if it be possible)
 with a sure hand in a small vessel wich may come to
 the foott of the house although the enemie wer in leager
 about it, and deliuer the sam without Danger, yo^r M^{tie}
 will be pleased to looke also upon ane accompt of my
 fidelitie in rela^on to the enemie although they haue
 spread papers to the conterar, wich make the manie to
 haue sinistrous opinions of me, Bot by the lords help yo^r
 M^{tie} shall find me faithfull doe what they please until
 I either hear from your M^{tie} or see you in such condi-
 tion as those rebels may be forced to submitt themselves
 wich shall euer be [the] earnest desire and heartie prayer
 of Your M^{ties} most loyall
 and faithfull subiect

GEORGE OGILVY

Endorsed by Hyde—

Gouvner of Dunn Otter

1. ffebr. to the Kinge

rec. at Paris 10. Aprill.

XXV

*General Walley*¹ "*For the Gouernor of Dunnotter
 Castell.*"

S^R

I haue recd: a Letter from two of my
 Souldiers Will^m Waddington, and Richard Parsons,
 whoe giue notice, that they are prisoners with you, I
 haue alsoe heard of two Souldiers of yo^{rs} prisoners with

¹ Commissary General to the Cromwellian Forces.

vs at Aberdeane. I haue set them at Lyberty vpon Parroll, to come to you in whose Roome I expect those two Souldiers of myne to returne to mee with their horses and Armes, otherwayes I desire you to send those Back. If you please to release the third man taken with them, wee shall not be behind hand with you in Curtesie when time serves, I haue no more but to let you knowe that wherein I may I shall be

Yor humble servant

Aberdeane

EL : WALLEY

February ye 10th

1652

XXVI

General Walley "For the Gouvernor of ye Castell of Dunotter."

S^R

If you please to send mee my souldiers with their Horses and Armes, in ye end it will be more to yor Advantage, then if you send them without. I shall account myselfe obleidged to take care that you may find it so, if you keepe ye Horses I am content you alsoe keepe ye men, that they may suffer for being so taken, I haue noe reason to giue my owne mony out of my purse to redeeme their horses, nor haue I any other waye to doe it, except I make y^r Towne where they were taken doe it and that they shall doe if you desire it, howeuer if ye horses be not sent back they must pay their full value. You may if you please saue the Towne from a charge and lay an oblegation vpon one whoe will be carefull to discharge it and in what he may to let you know he is

Yor humble sv^t

Aberdeane

EL : WALLEY

Febr ye 15th

1652

XXVII

"Copy of the Commissions granted be me [George Ogilvy] and my instructions ther anent to M^r G^r Deane."

Anent the King Item, that his majesties hoill stueffs that ar heir and all that dous belong to him in this place salbe saiflie transported frome this to aney part w^{thin} this kingdome or w^t out the samen to France or Holland or Denmark as the earll Marchall and his freinds and Gouverner sall think expedient upon the Inglis charges And ane fre pas w^t warrandice granted for this effect and the Gowernor himselff gin he plessis w^t on of the Kingis serwants to go alongest w^t hes stueffs and to returne home agane paissable to hes aune dueling houss

Anent my lord j That he be liberit out of presone and brought home to this Kingdome at libertie & fredome to duell at his aune houssis

2 that hes land be fre of sequestratione or peying of sese or aney locall quartering to be upon the samen

3 that the customes of Abr^d be secured to him induring hes tak and the moneys payabill to him efter the expering of the taks to be peyit and surtie for that effect giwine gin this articull be not granted to sie gin ther can be ane soume of money gottin for all to gedder or for ane uther tak of my lords hand¹

4 Anent this houss gin they mynd to mak ane

¹ This doubtless refers to the tack of the Customs which Charles I had granted to the Earl in 1640—"for ane debt awand be vmquhill King James to his good Schir George, Erll Marschall, for hame bringing of Quein Ann out of Denmark."—Spalding's "Troubles in Scotland," Vol. II, p. 84.

garischoune of it that my lord be peyit for the houss armementtis and wittall therein belonging to him selff, and he to transport all hes mouabillis frome it as hes stueffs and plenesing and gin they sall suffer him to deuell in the samen he sall disbandone hes garischoune and sall find surtie not to garischone it agane in ther contrar

- 5 And that he sall be fre of aney oth of alleigences to them q^t someuer

Anent the Gowerner j that he sall remowe frome this place w^t saiffitie and fredome to hes aune houss w^t hes wyff childring and plenessing

- 2 that hes land salbe fre of sequestration or peying of aney publick deuës q^t someuer

- 3 That q^t wittell he hes w^{tin} the houss salbe peyit to him or he sall haue pour to tak away the samen

- 4 That he salbe fre of subss^ruing aney othe of alegiences to them now or heir efter and not to be questionat for aney thing of hes prosidings since he entered this chaire

Anent the sojors j That ther be pey gottine to the Gowerner and uther officers and sojors since the first of July 1651; qlk wes the tyme of ther entrey according to the list to be giwine up of them I think ther wilbe tua companeys of them w^t compleit oficers

- 2 That they sall all march frome this w^t Baig and Bagaig flieing collors tuik of drume armes and kindellit maches and all thing befieting men of honor and the armes to be dispoissit upon according to my lords plesur

- 3 that the garischoune sall not remou nor disbaindoune till all ther articuleis be performit

and that ther salbe no forces com in this schyre till we be remouit and we sall haue pour to wair our sourds and pistles in the countrey as we wes of befor and to haue ane muneths tyme to remoue our selff efter the treatie is endit And thes articules to be authorised be the consell of stat at Loundone

Thes gius full pour warrand and coñmissione to Sr Rot^t Grahame of Morphie¹ and Alex^r Banerman of Elsieck² to go to and ther to meit w^t M. G. Deane or aney he sall apoynt hauing pour and coñmissione frome them and to treat and capitulat w^t them for randitione of Don^r upon hono^{ll} conditions for the us and seruice of the coñmand weilth of Ingland And q^t euer the said Sr Rot^t Grahame and Alex^r Banerman sall dou conclud and end w^t the said M. G. Deane or thes

¹The Grahams of Morphie were an offshoot of the noble family of Montrose. Sir Robert Graham, who was one of the tutors of the great Marquis, had adhered to him all through his wars in Scotland, and when, in 1661, his head was taken down from the Tolbooth of Edinburgh, was one of the five personal friends present to receive it. Along with his kinsman, Graham of Fintry, he represented James, second Marquis of Montrose, in arranging with General Monk the terms of capitulation granted that nobleman, 23rd September, 1654.—“Scottish History Society,” Vol. XXXI, p. 187. Two years later he was appointed by the Cromwellians sheriff of Kincardineshire.—*Ibid.* p. 316.

²Alexander Bannerman, burgess of Aberdeen, had from Sir Alexander Fraser of Cowie, in 1387, a charter of the lands of Elsieck, which continued to be the seat of the family for three hundred and seventy years.—Stodart’s “Arms of Scotland,” p. 396. The Sir Alexander above named was a keen Royalist, and his appointment may, on that account, have been objected to by Deane, as he fails to act with Morphie. It is more probable, however, that he had himself expressed unwillingness to negotiate in a capitulation from which he anticipated the loss of the Regalia, and consequent humiliation to the cause which he upheld.

salbe nomenat be him for that effect anent the randitione of the said house and castell for the us of the service aforesaid upon hono^{ll} termes conforme to the instructions giwine be me to them theranent abou wrytne I dou heirby firmlie oblieg me to obserue performe and fulfill the samen be ther pñtes subscruit

XXVIII

George Ogilvy "For the Richt Hono^{ll} Major Generall Deane Comander in chieff of the Ingles forses in Scotland."

SR

In my former letters to Generall Major Lambert and others anent the randitione of this house I wes then resolved wpon no termes to treat till I sould haue ane absolat warrand frome the kings majestie But at ye earnest desyr and persuatione of the earll marschalls freinds quho is now most consernit in this place and be quhos aduyss now in the kings absence I resolve to be much reulit and for the eschueing of the effutione of blod q^rof tue much hes beine alradey and questionles will follow mor on this business gin not prewented, And wpon thes considerationes I wes mowit to cõmissionat tua gentillmẽ to meit and treat w^t yow or aney ye sould apoynt hauing your cõmissione and warrand anent the randitione of the castell of Dono^r to yow for the use and service of the parlamẽt of Ingland wpon hono^{ll} termes and conditions: They showe me that ye wes satisfiet bot becaus this did not presied ye wald not go one w^t them in the capitulatione this poynt of forme being wantting Therfor I thouthed feit heirby to showe yow that I am content to go on in the said capitulatione for randitione of this place wpon hono^{ll} termes as said is and for that effect sall giw pour and warrand to tua

gentillmē to meit and treat w^t yow at such tyme as yow sall desing and mak knowne w^t this berer : And gin this bees not satesfactorey to yow ye sall find men heir god-willing radey to wait wpon yowr seruice to haischart and ly downe ther lyff befor we in aney dishonorable way betray our trust : and I attest god to be Jug betuixt yow and us and that he may call for the blod that wilbe schyd at hes hands quho salbe cause of it so expecks your ansur and Rests

Your serwant

9 Maij
1652

GEORGE OGILUY

XXIX

*Colonel Morgan*¹ "*For the Gouverner of Dunnotter Castle.*"

S^R

I am commaunded hither by the Hon^rble Major Gen^{rl} Deanes order, with a considerable strength of^e the Army, To Summon you to surrender vnto mee the Castle of^e Dunnotter, for y^e vse of the Parliament of^e the Commonwealth of^e England, With all the Ordnance and other Armes, Amunition & provision

¹ Thomas Morgan of Langattock, co. Monmouth. His seal, which is affixed to several of his letters, bears—Argent, three bulls' heads, cabossed, sable. Crest, a lion rampant. Mr. C. Dalton, in his "*Scots Army, 1661-1688*," gives an interesting account of Morgan's career, from which it appears that the Restoration found him in command of the English forces in Scotland, when he willingly accommodated himself to the new regime, taking a prominent part in the King's birthday celebrations at Edinburgh, 19th June, 1660. He accompanied General Monk in his march into England and received a baronetcy from Charles II, 7th February, 1660-1. In 1665 he was appointed Governor of Jersey. He died 13th April, 1679, aged seventy-three. See also G. E. C. "*Complete Baronetage*," Vol. III, p. 158.

therein, As also the Crowne and Septer of Scotland
 which Doubtless is in your custodie with all ensignes
 of Regallitie and other Goods belonging to the late
 King of Scotland, You may take notice of what Con-
 dition you are in, and so obserue this my Summons,
 And prevent that Inconueniencie which doubtles is like
 to fall vpon you. I shall expect your Answere within
 an houer after ye receipt and shall remayne

att the Blackhill

Your seruant

of Dunr in ye

Accordingly

Leager

THO MORGAN

14 May 1652

XXX

George Ogilvy to Colonel Morgan.

SR

At the desyr of my Lord Marscholl his
 speciall freinds, whom next to the King his Mat^e I
 respect in this business, as haueing greatest interest heir :
 I haue sent my mynd along to Major Gen : Deanes, tuo
 dayes agoe, and have not as yet receaved answer therto,
 So till then I will add no mor, bot that I am

Your servant as

occasione offreth

GEORGE OGILVY

XXXI

*Major General Deane "For Captaine Ogilvy Govern-
 our of Dunnotter Castle."*

SR

Vnderstanding by the Laird Morphey and
 Collonell Barkley¹ that you haue desired for to speake

¹ Colonel David Barclay of the family of Mathers, a Presbyterian
 and subsequently a member of the Society of Friends, sat in Parlia-

with some of the Earle Marshalls freinds Concerning y^e Rendicōn of Dunnottar Castle, and that A Cessation of Armes might bee in the Interim ; the Lord Morphey haueing engaged they shalbee vpon y^e place by Wednesday next for that purpose ; I am content to preuent y^e effusion of Blood, that there shalbee noe act of hostillity on my Part untill that tyme ; and if your Intentions bee y^e same I desire to understand it in wrighting by this beerer ; I am

Your servant

RI DEANE

May 15th
1652

XXXII

George Ogilvy "to M^r G^r Deane."

HONORED S^r

By the laird of Morphey and Collonell Barclay ther persuasione and advyse I was pleased to condescend That my lord marischall his friends haveing such Interest heir he not being present sould meitt & give ther judgment for preventing of the effusione of blood, Which I shall be sorie sould be shed among Christians : As for Cessatione from acts of hostilitie I shall be content to condescend therto, provyding yow be pleased to call in your wholl peple to the leager to the blackhill, that non approach or dig any works otherwayes blam me not to hold them back, And in the mean tym that the neirest pairte of the Countrey be not

ment for Kincardine in 1654, and in the same year was appointed a Trustee on the confiscated Estates in Scotland. He had purchased from the Earl Marischal the wadsett rights of the baronies of Urie and Dunnottar, and as one whose interests lay in the direction of surrender it would suit both parties that he should be nominated to take the place of Bannerman.

wronged, seeing they belong to my lord marischall & myselff And that yow think vpon those proposiōnes given to morphie As yow shall wish me to be

Your servant

Dunor may 15th

GEO OGILVY

XXXIII

The Earl Marischal "For my assured Freind Captain Ogilvye Governour off dunotter Castle."

LOUING FREIND

Sinc I receaued the favor of the liberti of the Citti of London from the Councell of Statt I was to waitt vpon my Lord Generall, and others of the Councell with Quhom hauing had som Conference concerning my Condition and effairs I find itt my hapines to hau to do with persones of so much honor, and Justnes Thatt I am resolved to putt my person fortens houses and all freely unto ther handes That I may peaceablye Inioy myselfe & quhatt belongs to me vnder the faver and protection off the Comonwealth of England. And in ordor heirvnto as conducing to my good I do heirby requyre you to delyver up my house off dunotter to Maior Generall Deane Quho is to receaue the sam from you in name of his Excellenci My Lord Generall Cromvell for the use of the Comonwealth of England Quherof you must not faill. And for so doing this shall be your warrand written And syngned at my hand att London The 4th of May 1652

Your assured Freind

MARSCHALL

Covering letter from Major General Deane.

SR

Haueing receiued ye enclosed from the Lord Marshall, I thought fitt to send it to you by a Drumm

of my owne ; I expect your positieue answer thereto by
this bearer and remaine

may 15th
1652.

Your servt.
Ri DEANE

XXXIV

George Ogilvy "to Major G. Deane."

S^R

I have received my lord marischall his letter
anent the redditione off this house, which I beleive he
could not refuse being a prisoner & possiblie forced
thereto by ye lord Generill, Bot seeing ther ar mor
concerned in this place then he, I cannot be satisfied
therwith Alwayes to let yow sie how farr I am for his
good and nowayes contrarie to youres Iff it shall please
yow to procure libertie to my lord marischall to come
for Scotland in freedome & not as prisoner, I shall be
verie much ruled by him, and vpon hono^{ll} conditiones,
which I mad knowne to yow befor by the laird of
morphie, shall be content to enter a capitulatione, pro-
vyding yow remove your force from ye schyr, & desist
from further till his homecoming, Iff this seeme not
satisfactorie I must have patience, & comitt the event
to the Lord to whose providence I comitt myselff &
remaines

Dunor May. 15th.

Your servant
GEO OGILVY

XXXV

*King Charles II "To the Gouverner and gentlemen in
the Castle of Dunotter."*

Gentlemen, assure your selues I am very carfull of
you, and sensible of your affection to me, giue credit to
what this bearer shall say to you, and obserue any

derections you shall receaue from L^{nt} G : Middleton
 You shall shortly heare againe from me, and I would
 haue you find some way frequently to aduertice me
 of your condition, w^{ch} I will take all possible care to
 releeeue. Paris March 26th 1652

CHARLES R

*Covering letter from General Middleton to George
 Ogilvy.*

MY DEAR FREEND

I am so overjoyd to hear that yov in this
 time doe behave your selfe so gallantlie that I shall be
 most desirows to doe yov service the particvlars I re-
 mit to the bearer my Cosen and yours, to whom give
 trust since he is particvlarlie instructed from him who
 shall rather perish then be wanting to his freend and
 who in all conditions is and shall be

Yovrs

I : M :

XXXVI

Sir Edward Hyde to Secretary Nicholas.¹

DEAR M^R SECRETARY

* * * * The other businesse which you are to
 imparte to her Royall Highnesse is this, the Castle of
 Dunoter in Scotland holds out still for his Majestie, and
 is a very stronge place upon the sea so that ships of
 great burthen may come and ryde vnder the walls.
 In this Castle besydes the Crowne and Scepter, ther
 are all the King's rich hangings and bedds, plate and
 other furniture, to so good vallew that it is auowed by
 very good men, who are to be belieued, that if all were
 in Amsterdam, it would yeeld 20,000^l sterling, and the

¹ Bodleian Library, MS. Clar. 43, f. 44.

King is pressed to send a frigatt to bring all this away, which you will easily belieue he very [much] desyres to doe, but knowes not which way to compasse it : therefore he would have you informe his sister of this matter, and desyre her advise, and if possible her assistance for the procuringe a ship for that purpose : A gentleman shall shortly be sent to you, with full orders and instructions upon the whole businesse, and if the season be omitted all wilbe lost : wheras such a somme being gott we may compasse great things * * * I am

Deere Mr Secretary your most affectonat &c.

Paris this 23 of March [165½]

XXXVII

*The King, " To Our trusty and welbeloued the Gouvernor of Our Castle of Dunotter."*¹

Trusty and Welbeloued We greete you well. Your letter of the first of February came not to our hands till yesterday, the Messenger who brought it hauing met with seuerall ill accidents in his Journey, and We cannot at present better expresse the high value and esteeme We haue of your singular Fidelity and Meritt towards Vs, then by making this hast in dispatching the Bearer Generall Major Vandruscke² to you with the retorne of

¹ MS. Clar. 43, f. 60.

² Major General Jonas Vandruske, although a Dutchman, was no stranger to Scotland. He had taken part in the Unlawful Engagement, an act of " malignancie," for which he made satisfaction before the Presbytery of Dundee in January, 1651.—"Scottish History Society," Vol. LVIII, p. 260. Thereafter, he was with Charles II at Stirling where he was nominated to command a regiment which had recently been recruited in the West, but had his Commission cancelled to make room for Colonel Cochrane.—*Ibid.* Vol. XVIII, p. 5. He accompanied Charles into England and fought at Worcester. Take him for what he was—a soldier of fortune—and Vandruske seems to

Our gracious acceptacion and hearty thanks for the great service you haue done Vs, in preseruing that important Castle for Vs, which We doubt not in the end will redound as well to the benefitt and aduantage of that Our ancient Kingdome, as to your particular reputacion and Honour. We wish that other Men who were entrusted by Vs with the custody of Places as defensible as that is, had giuen y^e same instances of Affeccion to Vs, and Courage as you haue done, in contemning such Rebellious summons, which would haue made it much easier for Vs to haue redeemed Our good subiects of that Our Kingdome from the present Oppression and Slavery they liue under, for the doing whereof that Place preserued by your faithfulnessse must be now the only foundation; you shall assure all the Officers, Gentlemen and Soldiers who are with you, and are resolute to stand by you in this good and great service, that We haue a iust sense of their AffeCTIONS, and hope to liue to be able liberally to gratify and reward them: in the meantime We shall not fayle to use all possible meanes for their releife, in such a manner as the season of the yeare, and the power of the Rebels at Sea will permitt. And if you shall be able to defend and keepe the Place till the beginning of the next Winter (which We hope you will doe) We make noe question but that We shall transport such supplies to you as shall not only be sufficient to enlarge your quarters, but by the blessing of God, to free your Country from the Tyranny of these Rebels. We desire to receiue as frequent informacions from you as is possible of the true state of Our Affaires in y^t Our Kingdome, and your owne particular condicion, and such aduice

have been thoroughly entitled to the high opinion entertained of him by Charles and his minister, Sir Edward Hyde.

upon the whole, as either upon your owne observacion and experience, or upon Intelligence with such other of Our good subiects who preserue their Affections entire to Vs, howeuer they are for the present compelled to submit to the prevayling Power, you thinke fitt to send to Vs; and that you continue a constant corrispondence with Generall Lieutenant Middleton, through whose hands you shall receiue direccions from Vs upon all occasions. And soe We bid you very hearty farewell.

Giwen at the Louvre in Paris this 12th. day of Aprill.
1652.

XXXVIII

The King's Warrant,¹ "To Our trusty and welbeloued the Gouvernor of Our Castle of Dunotter or to the Deputy or other officer of Our Wardrobe attending there."

Trusty and welbeloued We greete you well. Whereas We are informed that you haue in your custody within the Castle of Dunotter Our Crowne, Scepter and other the Honours of that Our ancient Kingdome, together with such of Our Household-stuffe, Furniture, and other Goods as haue been preserued from the possession or violence of the English Rebels, We haue thought fitt, least by any accident or misfortune the said Honours may fall into the hands of y^e said Rebels, to y^e great dishonour and reproach of the Nacion, and because We haue great occasion to use the said Household-stuffe and Furniture, to send this Vessell, to y^e end that you may cause the same to be transported into Holland, and to be deliuered to such Person as Our dearest sister the Princesse of Orange shall appoint, on Our behalfe, to receiue y^e same, whose orders to y^t

¹ MS Clar. 43, f. 60v.

purpose you are to obserue. And We doe therefore hereby charge and command you to cause the said Honours, Household-stuffe and Furniture, and other Goods of Ours of value, which are in that Castle, to be safely put aboard the said Vessell, and deliuered into the hands and charge of such Person as shall be appointed by Our said dearest Sister the Princesse of Orange to receiue y^e same, and y^t you send unto Vs an Inventory of all y^e particulars so deliuered, under the hands of you of our said Governor or of any such Officer, who is, or hath been entrusted to keepe the same, as likewise of y^t person to whom the same shall be deliuered. And for so doing this shall be your Warrant.

Giuen at the Louvre this 12th day of Aprill 1652.

XXXIX

¹ *The King, "To Our trusty and welbeloued the Gouvernor of Our Castle of Dunotter."*

Trusty and Welbeloued We greete you well. Whereas We haue by a Warrant under Our signe manuall bearing date with these presents required you to deliuer, or cause to be deliuered Our Crowne, Scepter and other Honours of y^t Our ancient Kingdome, together with Our Household-stuffe, Furniture, and other Goods to be transported for Our use into Holland, now these are to signify unto you, that We rely soe much on your discrecion and Judgment, that notwithstanding Our said Commands, if you decerne that the sending away Our said Crowne, Scepter, and other Honours of the Kingdome will proue a discouragement and disheartning to y^e Officers and Soldeers there, and that they will be thereby the lesse inclyned to defend y^e said Castle, and

¹ MS. Clar. 43, f. 60v.

y^t you make noe question but that you shall be well able to defend and mainteyne y^e same till Winter, by which time We doubt not to be able to send you other releife and supplyes, We are content y^t you still reserue y^e Honours there, presuming y^t if you apprehend any danger, y^t they may fall into the enemyes hands, you will rather chuse to secure them by this Opportunity; Howeuer you are not to fayle to cause all y^e said Household-stuffe Furniture, and other Goods to be deliuered in y^e manner directed, since We are soe totally destitute of all such prouisions, y^t it is most necessary they be sent to Vs for Our use with all speede. And soe We bid you heartily farewell.

Giuen at y^e Louvre in Paris this 12th of Aprill 1652.

XL

¹ *The King to Mr Webster.*

Trusty and Welbeloued We greete you well. Whereas We finde it of great importance to Our seruice speedily to send a ship into Our Kingdome of Scotland about affaires very highly concerning Vs, which ship We conceaue to [be] in readynesse for that purpose, and finding it very necessary to send a small quantity of Prouisions for the supply of Our Castle of Dunotter which with great Courage and Constancy is still mainteyned for Vs against the Rebels, and y^e preseruacion whereof is of exceeding consequence, We doe desire you upon Conference with Our trusty and right Welbeloued Councillor Sir Edward Nicholas Knight, Our principall

¹ MS. Clar 43, f. 70.

¹ John Webster of Kirby, Norfolk, a London merchant, resident in Holland, where he seems to have acquired considerable wealth and influence. He was created Baronet at Igravenhaag, 31st May, 1660, and died in 1675. G. E. C. "Complete Baronetage," Vol. III, p. 26.

Secretary of State, whom We haue appointed to informe you of the great concernement this seruice is to Vs, to supply Vs with the Prouisions mencioned in this inclosed Note, and to cause them to be put aboard in such manner as the said Sir Edward Nicholas shall desire, who will likewise let you know which way We haue designed to giue you satisfaccion for the same, which if it should, by any accident, proue ineffectuall, We doe give you Our Royall Word to see you otherwise satisfied within the space of three moneths ; And soe not doubting but that you will gratify Vs in this Our desire, We bid you farewell.

Giuen at the Louvre at Paris this 14th day of Aprill, 1652.

XLI

¹ *Sir Edward Hyde to Secretary Nicholas.*

DEERE MR SECRETARY

* * * * This Bearer Maior Generall Vanderuske, is the person designed by the Kinge and supplied for that iourney into Scotland to Dunotter Castle concerninge which the Kinge wrote the last Saturday to his sister, and I send you hearwith the cotypes of his dispatches as farr as concernes that businesse, by which you will see that it will be necessary for her Royall Highnesse to giue some orders both to the Governour, and to the Captain of the vessell, whome I suppose she will principally instruct with the receipt of the goods, and directe to what handes he shall committ them at his returne ; I hope ther will be no greate difficulty in the worke, for though the season of the yeare will call the Rebells abroade, yett ther beinge already adverticements sent thither to putt all in a readynesse, I conceaue ther

¹ MS. Clar. 43, f. 73.

will not be occasyon for the vessell to wayte so longe, as to giue warninge to the enemy to suspecte : howeuer that it may shift well enough to the other shore : Here arryued a gentleman from the Castle within few dayes, who left all well, and the Governour in good courage, hauinge very honestly ansuered the summons of Lamberte, Ouerton, and the rest. Some prouisions are wantinge, at least since the Kinge drawes such a treasure from thence, he thinkes it fitt and necessary to send somewhat both to the Governour and souldyers, and to that purpose his Majesty hath writt this inclosed to Mr Webster, to assiste him in makinge a prouition accordinge to this note, and referrs him to you to vnderstande his Majestys desyres more at large, therfore after you haue conferred and receaued the Princesse Royalls pleasure, how farr Mr Webster may be made acquainted with all the designe, the Kinge wishes that you would take the paynes to speake with him, and persuade him to supply those prouisions, for which he shall be sure to be reimbursed upon the returne of the vessell, and if that should miscarry he shall be sure to be no looser : His Majesty is very confident that Mr Webster will not refuse to serue him in so little a matter, which at this tyme is so very necessary ; the preservation of this place beinge the foundation of all the hope for Scotlande, for ther is roome enough within this Castle to receaue an Army, and it is the very center of the Kingdome, so that as soone as the Summer is ouer, any little succours or greate supplies of men from Norway, may be landed ther, and ther will be care taken to that purpose : I hope the shipp is ready, and then ther will be no delay : The bearer is a very honest man, and will passe as a common seaman, against all accidents ; You will finde him very discreete, and intelligent in all the Kings affayres, and hath indeede giuen greate testimony

of affection to his seruice; if he desyres it, you will present him to the Princesse: to whome his Majesty writes not, because the letter he writt on Saturday he sayes was all to this purpose, and prepared for Vandruske to carry, and by mistake sent away by the post: I know not what to say more, only the Kinge will longe to heare that this shipp is gone: I am still indisposed, and to tell you the truth, in very skiruy ill humour. God bringe us well together: I am

Deere Mr Secretary, your owne &c.

Paris this 15 of Aprill [1652]

If you should finde Mr Webster slow in assistinge with these prouisyons, which the Kinge hopes he will not be, I know not what you should doe, except the Princesse send to encourage him.

XLII

¹*Sir Edward Hyde to Secretary Nicholas.*

DEERE MR SECRETARY

* * * * * In my last I sent you blanks for the mendinge anythinge that is necessary to be done in the businesse of Dunotter, and so I hope that matter will not hinder your iourney: I am extremely sorry that that businesse mooues so slowly, which in respecte of the season of the yeere may prooue very mischieuous, I saw a letter from Vandruske which gaue me some wonder, he sayes you told him that you neuer hearde of anybody to be sent till y^e weeke before he came, and then in such generall and obscure tearmes, that you believed the person who was to be employed, was already supplied with a shipp: that their is no shipp in readynesse, and that the marchant (besydes beinge out of the

¹ MS. Clar. 43, f. 107.

way) he heares hath taken somewhat vnkindly, so that he doubteth he will not be persuaded to venture the prouisions, and so he seemes to be in despayre of makinge the journey: Now though I know he is mistaken in the mayne, for you well know I did by the Kings commande in the first place desyre that a ship might be ready against the person to be employed should arryue with you, and all other thinges that were necessary to be known were communicated to you, yett I doubt you do not enough lett him know the obstructions in the way, nor encourage him enough to belieue that the worke will be done, of which the Kinge hath not the least doubt. The man is a very honest and vnderstandinge person, and full of zeale to the King's seruice, and therefore, I pray be very free with him, and if you see that the worke is like shortly to be done, encourage him to that patience that is necessary, but if you do indeede despayre of it, sett him then at liberty to follow his owne affayres. Indeepe, I receaued so foolish a letter from Sir Edward Walker,¹ that I will not answer it, nor haue anything to do with him. * * * * *

Deere Mr Secretary, your owne &c
Paris this 17 of May [1652]

XLIII

² *Sir Edward Hyde to Secretary Nicholas.*

DEERE MR SECRETARY

* * * * * Since the businesse of Dunotter hath bene so longe, vnluckily, crost, and that all our in-

¹ Sir Edward Walker, K.G., was Secretary of War to Charles I: he accompanied Charles II into exile, and at the Restoration was appointed Clerk of the Council to the King. He was the author of a series of "Historical Discourses" dealing with the period of the Commonwealth, of considerable interest and value.

² MS. Clar. 43, f. 139.

telligence from England assures us that the place is besieged, and so it would be a desperate hazarde to send thither, and upon the matter so much mony cast away, the King is resolved to suspende the whole matter, till he heares more, and therfore he hath by this inclosed discharged Vandruske from farther attendance, and hath appointed him to deliuer all his dispatch into your handes; Lieutenant Generall Midleton will within fifteen or sixteen dayes be in those parts, and then if anything be to be done, he shall bringe new orders, in the meanetyme he dispatches by seuerall wayes lettres thither to encourage them to hold out, which we hope they are well prouyded and resolved to doe, and this resolucion I suppose will for the present displease nobody with you, and you shall do well to keepe Mr Webster well disposed to procure a vessell, if it shall be necessary when Midleton comes. * * * *

Deere Mr Secretary, Your owne &c.

Paris this 8 of June [1652]

I send you the copy of the Kings letter to Vandruske to discharge him from farther attendance upon this seruice, which indeede is to hazardous for him now: I am compelled to derecte a greate packett for him to you, which contaynes letters on his behafe to the Emperour of Moscow &c. You shall do well to settle a correspondence with him, for he is a uery gallant honest man, and I pray commende me kindly to him.¹

¹ Touching this statement it is interesting to note that Webster held the appointment of "Commissary to the Emperor of all Russia and Muscovia." It was probably at his suggestion, therefore, and under promise of his influence that Vandruske was induced to seek employment at the Russian Court.

XLIV

"Articles of Agreement between Collo: Tho: Morgan in the behalfe of y^e Parliamt of y^e Commonwealth of England, And Capt George Ogilvy Gouverner of Dunnotter Castle for y^e Surrender theare of."

- j^r Thatt the said Capt Ogilvy deliuer vp vnto mee the Castle of Dunnotter, with all the Ordnance Armes Amunition provisions & all other vttensells of warr for y^e vse of y^e Parlyment of y^e Commonwealth of England, vpon wednesday the 26 Instant by nine of the Clocke in the morning without wast or Imbasellment.
- 2^r That ye Late kings goods with the lord Marshalls and all other goods within the said Castle shall be deliuered to mee or whom I shall apoynt for y^e vse of the parlyment of y^e Com^wwealth of England.¹

¹ For an account of the furnishings of Dunnottar, see an article in the "Scottish Historical Review," Vol. II, p. 389, entitled "Dunnottar and its Barons," by James Crabb Watt, Esq., K.C. From the Minutes of the Council of State at Whitehall we learn that a portion of the booty captured by Morgan eventually found its way into the hands of Cromwell. Under date 11th January, 1655, occurs an order on report of Clement Kinnersley "concerning the making use of hangings which were in Donottar Castle for the accommodation of the Councill of Scotland," and in May of the year following the Council is instructed to forward these to Kinnersley for "the service of his Highnes." The particular articles thus appropriated are described as follows:—

"One suite of Tapestry hangings of pictures & Vaskages containyng seven peices marked with the figure 3.

"One suite of Tapestry hangings of the story of Noah containyng eight peices marked with figure 14.

"Seaven Carpets of Turkey worke, fower fetherbeds & fower ruggs.



GATEWAY OF DUNNOTTAR CASTLE

3. That the Crowne & Scepter of Scotland, together with all other Ensignes of Regallitie be deliuered vnto mee or a good Account theareof, for the vse of the Parliament etc.
4. That vpon the true performance of the formenshioned Articles, Capt George Ogilvy with the oficers and souldiers vnder his Commaund shall haue Liberty to march forth of the said Castle att the hower Apoynted with flying Collrs Drom beateing match lighted, Compleately Armed the Distance of one mile, theare to lay downe theire Armes, and to haue passes to goe theire own homes and theare to liue without molestation provided they act nothing preiuditiall to the Com̃wealth of England.
5. That the said Capt Ogilvy shall (free from sequestration) inioy all the personall Estate which he hath now without the Castle of Donnotter, and all such nesserarie househould stuffe of his owne which is now in y^e Castle, as shall be thought fitt by mee, or by them whom I shall Authorise to deliuer them vnto him.

THO MORGAN

Blackhill att the
Leager 24^o May
1652

“Fower blankets three boulsters one quilt.

“Fower peices of Tapestry hangings of the story of the Labours of Hercules.”—“Acts of the Parliaments of Scotland,” Vol. VI, pt. ii. pp. 758, 760.

XLV

“Warrant for Capt Geo: Ogilvy his enlargement from Dunnoter Castle upon finding cautione.”

Wheras in the capitulaçon made vppon the surrender of the Castle of Donnott^r betweene Collonell Thomas Morgan and Capt^t George Oglevie the then Governour It was amongst other things agreeede that the said Capt^t George Oglevie should deliuer vp y^e Crowne Sword & Scepter of the late king of Scots which was in his custodie, or giue a good accompt thereof, And forasmuch as I haue caused the sayd Capt^t Oglevie euer since that time to be reteyned a p^rson^r in y^e s^d Castle for not deliueringe the Crowne Sword & Scepter aforesaid nor giueinge a good accompt thereof, now in regard he makes diuers pretences that the said Crowne Sword & Scepter were taken away out of Dunnott^r Castle without his knowledge, and lastlie sayd his wife convoyed the same to a gentleman that carried them to forrayne parts, I am willinge that in case he shall procure good securitie of 2000 or 1500 bond that he shall render himselfe a true prisoner to yow vppon demand, as alsoe that his wife shall doe y^e like, he should haue his libertie out of the Castle vnto his owne house beinge seated within some four miles of the same, provided he goe not at all from his sayd house aboue three Miles, And I doe hereby Authorize yow to receaue such bond of him as is sayd, for his and his wiues foorth comminge & there vppon to giue him the Libertie aboue mençoned ffor w^{ch} this shalbe your warrant Dated y^e 28th of December 1652

RI : DEANE

To y^e p^rsent Gouvernour
of Donnott^r Castle

XLVI

*Bond of Cautionary—Robert Graham of Morphie for
George Ogilvy.*

Whereas y^e Right Honoble Maior Generall Rich Deane hath issued an order vnto Cap^t John Garnor now Governour of Donnottter that he grant libertie vnto Cap^t George Oglevie toguether with his wife (they both beinge prison^{rs} in y^e said Garisson) to repayre to there dwellinge house pvided they giue sufficient securitie that they dep^{te} not aboue three miles from Barras being there habitaçon and that they or ether of them act no thinge that is or may prev pjudiciall to the Parliamt of y^e Commonwealth of England, and likewise on advertizmt or warninge giuen they present themselues true prisoners att Donnottter Castle to y^e Governour thereof or his deputie And that the sayd Cap^t Oglevie with his wife shall pforme y^e aboufe articles I whose name is here vnder written doe bynd mysilfe my heyres executors administrators and assignes on the penaltie and forfeiture of two thousand pownd of lawfull and currant english money in case of fayling to psent enter againe and make furth comminge the s^d prisoners when the Governour shall send for them, in wittnes whereof I haue here vnto put my hand and seale this tenth day of Januarie 1653

GRAEME OF MORPHIE

Testes

RICH : HUGHES

JOHN TURNOR

XLVII

Bond of Cautionary—James Anderson for George Ogilvy.

Wheras vpon solicitation for Capt George Ogelvie & his wiues ffurther in Largment the honorable Coll Lilbourn Comander in Chef of all y^e forces in Scotland hath ordered Capt Garnor of Donoter Castle vpon Securytie giuen to giue them Sex weekes time to goe about ther Lawfull affayer I doe thearfor ingage myself my Aires Exequitors administrator^s assignis in y^e som of fiue hundred pounds of good & lawfull english mony for ther psonal apearans into ther former obligation of confearment six weekes after y^e date hearof in witnes hearof I haue put my hand & seall the 1 of February 1653

J ANDERSON¹

Attested by

JOHN BARKLEY

J^N BARKLEY

RICH : HUGHES

XLVIII

Pass—Captain Garner to George Ogilvy²

Wheras Capt George Ogilvy hath giuen sufficient security for his personall returne sixe week after the

¹ James Anderson of Uras, Ogilvy's stepbrother, was the son of Patrick Anderson of Uras, whose widow, Catherine Strachan, subsequently married William Ogilvy of Lumgair.

² The following Passes were subsequently granted to Ogilvy and members of his family during the year 1653 :—

Donatter, 31 March—"Elizabeth Duglas to passe to and from Montrose or any place there about her lawfull affairs"—JO^r GARNER

Montrose, 10 April—"Capt George Ogelvie to pass to Edenbrough or Leith"—THO^o MORGAN

Date hereof unto his former state of confinement. Those are therefore to desire all those whom it may concern quietly to suffer him to pass and repasse vpon his lawfull occasions without any molestation

JO^r GARNER¹

Dated at Donattor febreay j 1653

To all officers and others
whom those may concern

I ad a moneths time more

JO^r GARNER¹

Leith, 12 April—"Capt George Oglevy to passe and repast to and from Leeth . . . for one moneth"—JO^r GARNER¹

Dunnottar, 22 June—"Capt George Ogulvy to pas to Edenburg . . . haueing obtained leaue for the space of sex weekes"—CHRIS BROWNE

Dundee, 10 August—"Mr Geo Ogelvy of Barrowes his sonne . . . to Dundee & Aberdeene or any where else in ye shires of Angus mernes or aberdeene"—RALPH COBBETT

Donatter Castell, 14 August—"Capt Ogelvy to pas to Monrosse haueing obtained leaue for the space of fourteene dayes"—CHRIS BROWNE.

Aberdeyne, 22 August—"Captane George Ogilvie to pas to Edenbrough"—TH^o MORGAN

Donnatter, 3 October—"Capt Georg Ogelvy to pas to Aberdene"—CHRIS BROWNE

Aberdeene, 6 December—"Capt George Oglevy . . . to pass to Edenbrough"—TH^o MORGAN.

As early as 8th January, 1652, General Monk had permitted Ogilvy's son, William, to repair to St. Andrews or Aberdeen for his education, while in May of the same year Colonel Morgan extended to him "without lett or mollestation" the freedom of the Parish of Kinneff.

¹ Garner's military career was unfortunate, and ended a year later when, accused of "some unhansome miscarriages," he was formally court-martialled and dismissed. He appears, indeed, to have proved himself a thoroughly incompetent officer. Writing to the Lord Protector with reference to his successor, in May, 1654,

XLIX

*Colonel Morgan "For my hon^{le} Freinds the Commissors
ffor Sequestra^{con}."*

HON^{LE} GENTLEMEN

This gentleman Captⁿ George Ogilvy, did cappitulate wth me for the surrender of^e Dunotter Castle : Vnto whome, I was impowred (by Major Gen^{ll} Deane) to grant the benifit of theise Articles, w^{ch} he will pduce before yow, which will manifest his estate should be free from sequestra^{con} : And I desire, y^t the foresaid Articles may be made good vnto him : Some of your officers, haue Informed, that they did intend to sequester some part of his estate, now I desire y^t yow will be pleased, to forbear doing thereof^e, till such time, y^t he makes it fully to appeare before yow, not to be wthin the compas of^e sequestra^{con}, but as free lie his owne, as any other part of his estate, all w^{ch} he affirmes to make good : if not I leave it to your Judgement : And haue no more at p^rsent but that I am

Aberdeene this

5th March

165²/₃

Your very loueing

freind and seruant

THO MORGAN

L

"Decreet—Glenduning q^{ra} Ogilvie & his spous."

AT EDINBURGH the twentie ane day of Julij the yeir of God jai vi^c & fyftie thrie yeiris IN THE ACTIOUN and caus intentit and persewit befor the

General Monk remarks: "The truth is that [Garner's] Company hath suffered much by the ill management of provisions by their late Captain in Dunottour Castle, there having been much losse happened to them by the provisions not being well look't after; and in case there be not an able and carefull man put into the head of it, the Company is like to breake".—"Scottish History Society," Vol. XXXI, pp. 101, 107.

Commissioners for administratione of Justice to the people in Scotland at the instance of George Glendon-ing merchand burgis of Edr AGANES George Ogilvie Baress and Douglas his spous MENTIONING that q^{ras} in the moneth of Apryll jai vjc & fyftie tua yeiris the said persewar having loadned in William Yong Skiper in Cowie his boatt the victuall and goods eftir sp^{ëit} to haue beine transported to the port callit Borroustonnes according to ther chartor p^{tie} Trew it is and of weritie that the said George Ogilvie and his said spous he being Governour and Commander of Dun-nottar most wrongouslie intromittit with furth of the said boat the victualls and goods eftir sp^{ëit} of the avail and pryces following viz. fyftie aucht bolls meill and ane half at tuentie merks scotis the boll Item fourtie seven bolls and ane half malt at sixteine pund scotis the boll Item thretteine new secks pryce tuentie six punds Item fyw puncheons pryce ten pund ten schiling Item ane barrell of beiff pryce threttie pundis scotis Item sewine dussane fische pryce fourtie tua punds extending in the haill to the soume of ane thowsand sex hundreth fourtie aucht pund ten schiling and conforme to his tua missive le^{rs} ane drect to the said persewar and ane wther drect to Sir Johne Smith then commiscer to Charles Stewart lait king of Scotis requyring the said Sir Johne as com-misser forsaid to pay to the said persewar the forsaid victuall as the said tua missive le^{rs} bearing dait at Dun-nottar the tuentie sixt day of Apryll jai vjc & fyftie tua yeiris at lenth proportis and albeit it be of weritie that the said George Ogilvie and his said spous is haldine and obleist and aucht and sould be decerned to restor and deliver to the said persewar the victuall goods and gier aboue sp^{ëit} or pryces ther off forsaid and that the said persewar hes oft and diverse tymes desyrit and requyrit them to doe nevertheles they wrongouslie re-

fuis postpone and defer fur to doe without they be compellit

[here follows narrative of parties compearing and deponing—for pursuer Maister Thomas Winzet, Advocat, and for defenders Maister Johne Fletcher Advocat.]

THE SAIDIS COMMISSIONERIS DISCERNIS AND ORDAINES the said George Ogilvie and his said spous defendares to mak payt to the said Georg Glendining persewar of the particular soumes of money above and wnder wñne adebted and restand awand be them to him in maner and for the causs aboue and efter sþeit viz. the soume of tuelff pundis Scotis for ilk boll of the number of fourtie seven bolls and ane half of malt ten pundis Scotis for ilk boll of fyftie aucht bolls and ane half of meill tuentie sext puns as for the pryce of thretteine new secks ten pund ten schiling as for the pryce of fyve puncheons threttie puns scotis for ane barrell off beiff fourtie tua pund for the pryce of seven dussane of fisch extending the saidis particulars soumes of money in haill to the soume off ane thowsand tua hundreth seventie fyve pund ten schilings BECAUS the tyme of the disput in the said matter it wes alledgit by y^e said maister Johne Flechter prör for the said George Ogilvie and his said spous defendares that he takis instrumentis wpon production of the said letter wher by he alledges he most be assolizet in regard ther off becaus be lërs producit out of the persewars hand for Sir Johne Smith Gn^{ell} Commisser it is clear that the persewar hes accepted ther off in satisfacione to him of the wictuall alledged taken from him and indeed the said Sir Johne is the onlie man who oucht to satisfie being Gn^{ell} Commisser and quha had order to haue furnished the said hous of Dunnottar with

meill and malt in default q^{of} the said number of bolls wes takine be the defendar from the persewar SE-
CONDLIE navayes acknouledging the pryces lyt¹ nor
anie wther of the conditions aboue w^{rne} conteand in the
letters the defendar most be assolzed becaus the said
wictuall being takine be him for ane publict use viz. the
maintenance of ane garisone q^{roff} he hed charge can
never be questioned ther for bot the publict most satisfie
spiä^{lly} seing the said wictuall was laying untuicht at the
rendring of the Castell to Gene^{ll} Major Deanes TER-
TIO if neid beis it is offerit to be prowine that be capitula-
lacione mad betuixt the said Major Gene^{ll} Deanes and the
said defendar the Major Gene^{ll} did obleis himself to re-
leive him at the handis of the persewar for the said wic-
tuall lyk as the said Major Gene^{ll} hath caused to deliver
back to the persewar the said wictuall or give him content
ther for and therfor TO THE WHICH it was
replyd be the said Maister Thomas Winzet pr^{or} forsaid
for the said persewar that the forsaid alledgance aucht
to be repellit and instruments takine wpon the produc-
tione of the letters is som quhat redicolus in regard it
was never accepted be the persewar in setisfacione of
anie part of the wictual takine away from him bot the
treuth is the persewar got this letter for Sir Johne
Smith closed with wax as may appear be the letter and
did not knou particularlie q^{hat} was conteanit in the
same nather could the persewar knou q^t was conteanit in
the letter he not being at Dunnottar qⁿ his gudis was
takine bot wes in Ed^r q^r he receavit both the letters
and gif it be presumabill that this persewar could accept
of such ane letter for satisfacione at such a tyme when
ther was not one man in this natione on the fields nor
long befor it being neir May than last as the letters of

¹ *Lyt*: reckoned.

ye daits beir the honell com^{rs} may judge and for Sir Johne Smith he wauld never tak notice of the letter at all and the second defence aucht lykways to be repellit in respect the persewar wes never ordained to furnish anie wictuall to the garisone nather had the defendar anie particular ordor to tak this persewar his wictuall nor no persones wictuall q^t sumewer bot most wnjustlie he took this poor mans wictuall with out anie ordor and wpon pretence of publict service ewerie captaine or governour of ane garisone or of sojors sould intromet with privat mens gudis without ordor and not be comptable to justice ther for and that when the natione get no service but wrong ther by as this natione got wrong by the keiping of that garisoune allong tyme it is conceavit that no subject in anie natione will haue assurance of anie thing they haue or know how to be restored qⁿ ther gudis ar takine from them and as to what was in the garisone qⁿ it was takine it is nothing to this persewar except that he hes receavit and gif he receavit he sall declar thair anent

[here follows counter statements by both parties regarding the precise quantities and prices of the wictuall &c.]

AND ALS BECAUS the said Mr Johne Fletcher prôr forsaïd for the forsaïds defendares falziet to produce his said clients to give ther oathis of weritie wpon the forsaïds particulars aboue wñe conteinit in ther reply intromittit with be them as said is as wes clearlie wnderstood to the said Com^{rs} IN RESPECT QROFF they cirducit the dērie and admittit protestatione in favors of the said persewar circumducand the same and gaue ther decret in maner forsaïd and ordaines lērs of horning to be dērect wpon ane single charge of fyfteine dayes and wtheris wpon the premiss giff neid beis in

forme as effeirs wñe within ane sheet of paper buikd
& extractit be me

W DOWNIE.¹

LI

Colonel Morgan "For the right honorable the Commissioners for administratione of Justice to the people in Scotland, Att Edinburgh."

RIGHT HONORABLE

I am informed be Captayne George Ogilvy that ther is one George Glendining merd. in Edinburgh who hes obtained ane decreit befor yow against him for some victuall he did tack of^e his whan he was governor of^e Donotar castle. And at the rendition of^e the said castle I did pass my word as then haueing powar from Major Generall Deanes to the said Captaine Ogilvy that he sould be free of y^t victuall and that the samen should be delyvered again to Mr Glendining which was done as he is able to instructt So my desyre is that yee wold be pleased to tack the samen to your consideratione and to suffer the said decreit to be suspendit And the gentleman hearde agayne and not wronged For I suppose it is only gone against him for null defence & not compeirance which hardly could be done be him he being in restraint himself So remaynes

Your affectionat freend

Aberdeyne this

& servand

22th of^e August

THO MORGAN

1653

¹ A large number of documents relative to the claim of George Glendinning occur among the "Barras Papers." In addition to the above, we have selected only those which serve to show the considerate and friendly attitude maintained by the Cromwellian officers towards Ogilvy.

LII

Receipt from George Glendinning with relative Declaration by George Robinson.

I acknowledg to haue received of Capt Garner from Donatter Castle thirty bowes of meale and thirty one bowes and a halfe of mault I say received p me

Dated July 28 1652

GEORGE GLENDONGING

I Georg Robinson declairs that I deliuered the aboue written vetill att my Captains Command and the meall diged out with a spaid and throwen into the ffoilit and the malt was heaped vp wher it should haue been strickt Soe to my knowledg euery boull would haue been a boull and a half if it had ben misered according to the forme of the Country in witnis wherof I haue subscriued at Donnoter the 26 of november 1653

GEORGE ROBINSON

LIII

General Lilburne "For the right hoble the Cõmissieners for Administraçon of Justice."

RIGHT HOBLE

The Case of Capt George Ogilvy being (as itt is stated to me) that wherin the ffaith and Honor of the Army is concerned: I cannot but recomēd him vnto you That in case hee make the same to appeare That the Corne for which hee is sued was deliver'd to George Glendinning according to Col: Morgan's order you will grant him such suspension or other sentence That hee may nott bee troubled for the same for the future. I remayne,

Yor very humble sert

Dalkeith. 26^o N^{br}

Ro LILBURNE

1653

LIV

Guarantee—Colonel Morgan to George Ogilvy against Forfeiture.

These are to certifie all whom it may concerne that vpon consideraçon of the agreem^t made betwixt Capt Geo : Oglevy & my selfe for the Delivering vp of the Castle of Donnotter to me for the vse of the Comon-wealth of England, that his Estate & landes are to be free from fforfeiture or sequestraçon. Given vnder my hand at Donnotter Castle this 9th of September 1654.

THO MORGAN

LV

“Receipt of his Mäties papers be The E Marischall to George Ogilvy of Barras.”

We W^m Erll Marischall Grants ous to haue receaued from Geo Ogilvy somtym Governour of our Castell of Dunnottter sum pepers belonging to the kings Maiestie wich was In Dunottter the tyme of his being Governour ther In two littell Coffers wich pepers consisting of the number of aucht score sexteine severall peises whroff ther is four packets sealed on brok open of wich pepers I grant the receatt throff and oblidges me to warrand the said George att his Mäestes hand and all othrs wtsueuer by this my warrand syned sealed and subcryeitt at London the first of December 1655

MARISCHALL

LVI

The Earl Marischal to George Ogilvy.

LONDON 8 May

LOUING FREIND

I receaued yours from George Straton and am glad to heare yourselfe and all our freinds keips the

man to the foer.¹ I am fully acquainted how ye do bestur yourself in my busines and belive me George if ever I be in a Conditine to acknoledge itt I will. I do desyr you to continew as ye hau begand be assisting to my Lady My Mother who hes sheuen me greatt kyndnes Remember me to your wyfe & I am

Your most affectionatt
freind

MARISCHALL

Tho my wyfe knouis nather you nor your wyfe yett upon my Character she wishes you both ever weill.²

LVII

The Dowager Countess Marischal³ to George Ogilvy.

BOLASHEINE⁴ 22.

Dec 1657

WORTHIE FREIND

I had so many things adoe at martimas that I wes necessitate to give those moneys q^{ch} once I

¹ *Keips the man to the foer* : survive.

² This postscript helps, so far, to fix the date of the above. The Earl married, as his second wife, in April, 1654, Anne Douglas, eldest daughter of Robert, Earl of Morton.—“The Scots Peerage,” Vol. VI, p. 59.

³ Marie Erskine, daughter of John, seventh Earl of Mar, and widow of William, the sixth Earl Marischal, who died in 1635. Her ladyship subsequently became the wife of Patrick Maule, who was created Earl of Panmure in 1646; but by a Warrant under the Privy Seal, dated 3rd December, 1647, she was permitted to retain the title and degree of Countess Marischal.

⁴ Bolshan, in the Barony of Panmure, is not to be confused with Bolshan Castle, in Kinnell. The former was built by Patrick Maule, 12th of Panmure, who in 1562, and at the age of fourteen, married Margaret, daughter of Sir John Erskine of Dun. It became the principal seat of the family, and remained so till the erection of the present House of Panmure which is supposed to occupy its site.—“The Scots Peerage,” Vol. VII, p. 18; Warden’s “Angus and Forfarshire.”

appointed for the payment of Margaret Cheine to my Sone George for to help the payment to Blackwater¹ for the roome of Oldmade & therfore seing I am to renew that Bond I must again intreat yow to doe me the favor to subscribe Cautioner for me with old James Thomsone and George Straton. I will not promise to satisfy this bond at witsonday nixt but if I get not some verie unexpected burthen (iff please god) it shall be payed at Martimas nixt, Iff my chalmerlanes would pay me even but the half of q^t they rest at the foot of their compt It might have been payed ere now, Allwayes I hope yow will obey this and yow shall not have cause to repent it, I have received George Stratons bill of rest. I perceive he hes kepted out some particulars Addebted by several Tennants And writes to me he has made all good But I am not satisfyed that any of the Tennents names should haue been kepted out of the bill of rest who is justlie resting And it is not a chalmerlanis part to take vpon him To doe it wnles he had payed me for them I haue written my mynd in this both to George Straton and James Thomsone.

I am informed that there is a meeting of the shire at Conveth Kirk the ffyft of Janry I must intreat yow to be present at it in caise there be any thing agitate q^rin my sone and I am Interessed, ffor I sie non that we can rely so much vpon as yow and I hope yow will not be unwilling to tak paines. As I shew yow I haue againe writin to Andrew rait and W^m ro^tsones That they be at Montrose Wednisday the 13 of Janry ffor making their compts And I hope yow will be pñt, I wish qⁿ yow come To Conveth Kirk y^t yow would come this length that I might speak with yow, I admyre oft

¹ "William Dalgarno, Bailzie to the Earl Marischal."—New Spalding Club, "Sheriff Court Records," Vol. II, p. 321.

Snadown¹ long stay ffrom Edr, he is a verie honest man, but someq^t wncertaine off his dyats. This is all for the pñt & I am

Yor verie loveing ffreind

MARIE ERSKINE

LVIII

Mr Grainger "For his honoured and loving freind The Laird of Barras, Elder."

SIR

I have receaved youres & before it came to my hand I had secured the things yee know of vpon the night time & am psuaded though ane armie should come they could not be the better so that their neids no fear, As for my selfe my neck shall break & my life go for it before I fail to yow, yet some litill difficultie makes me loth they should be transported as yet qlk shall be fullie made knoune to yow at meeting qlk I desire shall be on moonday once a day & if yee be loth to come heir, send me word & I shall come to yow But for the businesse it selfe fear no more nor if they were in your house presently, for I trust he who hath preserved them in my custodie till this day will preserve them in saiftie till they go as yee your selfe desires So till meeting I continew

Your reall & true freind

Kinneff the 21 of
Julij 1660

and servant

MR JAM GRAINGER²

¹ Arthur Straton of Snadown, in the Parish of St. Cyrus, was a member of the Committee of War for Kincardineshire and a Commissioner of Supply.—"Acts of the Parliaments of Scotland," Vol. VI, pt. ii. p. 34; Vol. VII, p. 561.

² Mr. James Grainger was presumably a native of Arbroath in which town he possessed some property in "house, land and yards."—"Kincardineshire Sheriff Court Records." He studied at St. Andrews

Sir
 I have received yours & before it came to me
 I had already heard that you had of your
 might have & am assured you are armed with
 arms for you will not be so either so that you need
 no fear, as for my self my neck shall break &
 my life go for it before I will be told, but some
 what I am sure you will be transported
 as you will see I shall be full of news to you
 at morning yet I desire shall be on morning once a
 day & if you are to come for me I shall be
 I shall come to you but for the interest of self
 for no more nor if you were in your house perhaps
 for I have to see I shall be full of news to you
 all the day with your own in your hand for you are
 for your own desire so at morning I continue

Yours to 2: 4:
 July 15th 1688

Your son & friend
 and servant

J. Grainger

LIX

Obligement, Mr J Grainger to George Ogilvy of Barras.

Whairas I have received ane discharge from George Ogilvie of Barras of the honors of this kingdome and he hath gotten no more but only the scepter Therefore I obleidge that the rest viz. the croune and suord shall be furthcoming at demand, be this my tickquet written & subscribed the same time I received the discharge

MR JAM GRAINGER Sep^r 28^r 1660

LX

James Ogilvy of Schannalie¹ "ffor my much honored and lowing brother George Ogiluy off Barras."

SCHANALIE 29 Sept 1660

MUCH HONORED AND LOWING BROTHER

q^t I wald say to yow at suche a distance I cannot intrust to paper, onlie this far, consaill is no com-

University, where he graduated in 1626, and was appointed to the Second Charge at Montrose in 1635.—Low's "Memorials of the Parish Church of Montrose," p. 81. Translated to Kinneff previous to 27th August, 1640, he died in the week preceding Sunday, 20th May, 1663.—"Kinneff Parish Records." By his wife, Christian Fletcher, Grainger had two sons, John, baptized 9th September, 1644, and Robert, baptized 7th November, 1648.—*Ibid.* The latter probably died young. The former appears to have been destined for the Church, as we find him entered at Marischal College, Aberdeen, in 1658.—New Spalding Club, "Records of Marischal College," Vol. II, p. 225. From the fact that he is subsequently designed Mr. John Grainger it is evident he must have graduated. He seems, however, to have been possessed of a somewhat restless and unsettled temperament, and we last encounter him as a trooper in the Earl Marischal's Company of Lieutenant-General William Drummond's Regiment of Horse.—Dalton's "Scots Army," p. 72.

¹ James Ogilvy of Schannallie, cousin of Sir George Ogilvy, and son of the elder brother of William of Lumgair. The intercourse between these two branches of the Balnagarrow family appears to have

and, q^t ewer yo^r leazie or pevishe neglect of a matter of so gyt consequence both in relation to honor advancement and a constant hereditary fortoun for yow and all yours in all succedeing adges hes produceit ye may be sensible of your awin pairt and of ye hollsome seasonabill (iff than receawit) consaill and advyse of your faithfull and reall freindis and my self in particular, how pressantlie affectionatlie (and dureing o^r abod last together) vncessantlie I intreated exhorted and brotherlie adwysed yow to wean all effairs and in proper persone to agent yo^r awin busines at Londone, And at our last parteing in Killimu^r ye promised w^t all conveniencie I should heir from yow y^rvpon I did retard my brothers iourney muche of a monthe, But ye so vilipendit o^r adwyse and slichtit ye busines of so hie concernement that we never haid a lyne from yow neither did yo^r son luik so muche vpon ws as to salut his freinds be ye way, q^t ye result can or salbe to yow wards it is vncertain meirlye dependeing vpon yo^r awin considera^oun, iff ye intend to pase from yo^r compeirance and suffer & sie ane wther man enioye ye fruitis honor & profite of yo^r labors, we must rest satisfied, But for my awin pairt my respects ar so to yow that I wishe fra my hairt I haid gifted yow ane hundret^t peices to haw bein yo^r chairdges and maid my awin expenssis to attendit yow bak and for, iff this haid bein neidfull but in ye contrarie iff yo^r pevishe natur could haw allowed yow (blessed be god) ye stand in neid of no mans supplie, and my brother wes redie and willing vpon his awin chairdges

continued close and friendly, James of Schannallie and his brother John Ogilvy of Balfour being nominated, along with Graham of Morphie, to safeguard Sir George's interests in the contract of marriage drawn up between the latter and his second wife, Dame Margaret Arbuthnott, 3d October, 1656.—*v. infra*, p. 323.

to haw wated vpon yow and to haw doon yow all ye guid offices y^t lay in his pouer, and at Londone (as he told me) ye busines is fairlie forwed and ye haw many freindis, So it rests y^t ye besteir yo^r selfe on waye or wther and vpon adwertisement my brother and I sall wat vpon yow and he wilbe able to giw yow a mor ampel accompt than this expostillaterie letter of myn and sall onlie ad y^t I wishe to secur ye honors and iff it be possible that ye wed convoye tham to y^r freinds q^r they may be for y^r wse in better securitie nor any pairt in ye Mernis, it wald appeir ye must ether quyt my lord Marshall or yo^r intrest in this, choise yow if I war in your place I know q^t I wald doe, and in ye meantyme ye may beleiw y^t I am

Your reall faithfull brother
and redie serwand

J. OGILUY

BROTHER

Thair wes on hew m^ckuen q^m I beleiw yo^r sone recomendit to yow and quho wes to haw hyred horses and com stracht to yow but efter his homecoming he is seik So my brothers siknes and his hes retardit yo^r sones letter, But be ye confident thair hes bein no delay in my pairt for this same day I send to hew m^ckeuns hous for yo^r sones letter my brother as yet is hardlie recoued his health and not com to his awin hous but (god willing) we expect him once this nicht, And in all heast hes send this berar q^m ye sall post bak and let ws know yo^r resolution Our harwest is not yett doun heir and we haw pitifull weather god mend it, I could scarce haw ane berar to send to yow in respect of harwest.

LXI

*John Ogilvy of Balfour "ffor his much honred Cusing
Georg Ogiluy of Beresse."*

PURRIE the 28
of September 1660

MUCH HONRED CUSING

I haue bine long by the uaye and faling sick in Kirkaldie so ye could not heire schouner frome me, I dout not but your sonne hes aquanted youe [how] it hes gone in relatione to your busines, but to be schort with youe I doe not think that ever my lord marschell did mentione your name in relatione to the honers of Scotland but hes past all in his brother Jhones name who is mad knicht marschell and hes 4 hunder pond stir a yeire conferd one him and insert in his patent that the honers and pencion is giuen him for preseruing the croun & scepter of Scotland So ye maye judge whider it hed not bine bettere for youe to haue folowed frinds aduayce and gone up your selff I haid done what was fitting befor my waye coming from London in your absance both in recomending your sonne to my lord Ogiluy and a grayt manie outhr frinds my lord did present your sone to his majestie and laykuayes did aquant him with your busines houe ye hed preserued and still hed thes honers, noue it onlie restes one youe to bestore your selff for it is not of that small momant to be neglected & if ye haue not delayuered them as yett I think it absolotlie fitting ye doe not delayuer them to my lord marchall at all, but tak sum spiddie Cours to mend what ye haue neglected so hoping ye will tak this to consideration since it consernes youe soe nere both in craydet and mines I shall neid saye no more but shall be redie to meit ore speak with youe

uhar ye palace and both in that and anie thing else shall
strayue to witnes my selff

Your reall cusing
to serue youe
J OGILVY

LXII

*Petition—William Ogilvy to the King, with his Majesty's
instructions concerning the disposal of the Honours.*

To ye Kings most Excellent Matie The humble
petition of William Ogilvy sonn to George Ogilvy of
Barras

SHEWETH

That whereas yo^r pet^r is sent vpp here by his
father to give yo^r Matie notice That his said father hath
had and still preserves yo^r Crowne Scepter and Sword
of Scotland in his Custody long before ye English
possessed ye Castle of Dunnotter with ye great hazard
of his life and long and strait Imprisonem^t wch occa-
tioned ye death of his wife. And in respect of yo^r pet^{rs}
father his great intrust with these Honours he could not
desert that great Charge to Come here and attend yo^r
Matie himselfe :

Wherefore he hath sent yo^r pet^r to haue yo^r Mat^s
particular Order in Relation to ye aforesaid Honours

And yo^r pet^r shall as in duty bound
euer pray etc.

Whitehall 28 of Sept^r 1660

His Maj^{tie} ordaines the Petitioners father to deliver
his Crowne Septer & Sword to the Earle Marishall of
Scotland & to get his receipt of them

LAUDERDAILL

LXIII

*"Receipt of the Honours of the Kingdome of Scotland be
The E Mariscall To Geo: Ogilvy of Barras."*

Att Dunnottar the 8 day of October 1660 I W^m
Earll Marischall grants me to have receaved from
George Ogilvy of Barras the Crowne Sword and
Scepter the antient monements of this kingdome En-
teir and Compleitt and in the same conditione they war
Intrusted be me to him and descharges the forsaid
George Ogilvy of his reseatt theroff by this my Sub-
cryptone Day and place forsaid :

MARISCHALL.

LXIV

*The Earl Marischal "For the right honorabll The
Countes of Marischall att Boschan."*¹

MADAM

I can nott wreatt to your La all the Passages
I hau found in receauing the honores in this littell tym I
hau bein from yow. For sins thee businis is att a
Point and they now in my Custody I leave to say farder
therin bott thatt it hes bein ane Oglye and Onhandsum
caried businis. I thoght to hau send a bearer from
this bott Rid hauing bein att Arbuthnott w^t whom I
meatt and my L Fraser whom I rancountred and meatt
with also hes maid me send non. I desyr your La wold
send me thatt letter of W^m ogillye or the dubill theroff.
My wyfe wold hau wreatt to your La bott she hes
nothing mor to say then I hau wreatt. She is your La
humble servand and I am still

Madam

Your La most obedient

Sone and humble servand

MARISCHALL

¹ In the possession of Sir Patrick Keith Murray, Bart.

LXV

Sir Alexander Fraser¹ to George Ogilvy.

RT WORLL AND HONORED COUSINE,

That I ansuered not your first and other letters, was my longe absence from London, attending his Ma: in his seuerall progresses this summer and lykwayes difficulty in obteening the grant of these seuerall signaturs you desyred, w^{ch} are not granted to any but by the meanes of the Lord Comiss: and the cair of those who seeks after them: if your self or your sone had come vpe to London, it is lyk you might haue gott soume pairt of your demands, and if you will hazard a journey in the spring yow may be confident of all the best service loving freinds can doe you: it being a truth and a debte to the Crowne, to reward him who preserued it, and I doubte not, bot his Ma: in his convenient tyme, will remember your sufferings and service, w^{ch} that he may doe shalbe my endeauor.

Cousine I returne you thanks for your last letter in w^{ch} you invite me to the purchase of Cowy and these other adiacent Lands Fiddes had from the L Marischall.²

¹ Physician to Charles II. Sir Alexander claimed descent from the ancient family of Durris, as son of Adam, second son of Thomas Fraser of Durris, and Helen Gordon, daughter of James Gordon of Midmar and Abergeldie. Through his marriage with a daughter of Sir Edmond Carey, son of the Earl of Monmouth, he acquired a large fortune which, with his professional gains, enabled him to repurchase the greater portion of the family estates, which had been alienated to Andrew Fraser of Muchal, first Lord Fraser. Created a Baronet, 2nd August, 1673, Sir Alexander died in 1681, being succeeded by his son, Sir Peter, on whose death without heir the lands of Durris passed to Charles, Lord Mordaunt, afterwards first Earl of Peterborough.—G. E. C. "Complete Baronetage," Vol. IV, p. 293; "The Scots Peerage," Vol. IV, p. 113.

² Andrew Arbuthnott of Fiddes, brother of Robert, first Viscount Arbuthnott, held these lands in wodset and by subsequent apprising

it is true they and other lands in the pairt were anciently pairt of the Thandome of Doores, and had Fiddes been also civil to me as I was serviceable to him, these lands had been myn for I prepaired mony and had it ready yet he altered his mynd and so I was at the losse: if these lands be to be sold, lett me know the particular Rentall of each plow and acres of Cowy and these other Lands, w^t the lowest pryce they ar to be sold, and when you haue conferred w^t my Nephew (whom I haue ap-
 poynted to treat w^t you in this particular) and shall send me the particulars, I will returne you a positue and ready ansuear, the sooner this is doon it will oblige me the mor^e.

Cousine I tak this kyndly from you, and I will in due tyme mak you meit returnes, in the meane tyme I present my service to your son and yourself, and will euer remaine

Your most humble
 and obliged seruit^r

SR A FRAISER

Whythall 27 of
 october

LXVI

"Diploma Dñi Georgii Ogilvie de Barras de titulo dignitatis militis Baronetti intra Regnum Scotie."

Carolus &c. Sciatis quandoquidem nos considerantes preclara servitia a dilecto et fideli nostro Georgio Ogilvie de Barras nobis prestita et peracta (utpote qui auxiliarius fuit in conservatione nostre Regie Corone Sceptri et gladii antiquorum Insignium et monumen-
 torum hujus Regni nostri) ac gravia detrimenta que hanc ob causam diu pertulit et subiit ac satis com-

from William Earl Marischal. He disponed them (20th October, 1666) to Mr. Charles Gordon, brother of Sir Ludovic Gordon of Gordonston.—Urie Titles.

pertum habentes ejus constantem fidelitatem et amorem erga nostrum servitium eumque toto tempore non ita pridem usurpate dominationis spretis omnibus Illecebris et minis quibus tunc temporis obnoxius fuit Tam candide et Ingenue semetipsum gessisse ut merito symbolum Regii nostri favoris et respectus in eum ejusque familiam in perpetuum conferendum et collocandum censeamus, Igitur dedimus concessimus et disposuimus Tenoreque presentum Damus concedimus et disponimus prefato Georgio et heredibus masculis ex ejus corpore legitime procreatis seu procreandis Titulum Militis Baronetti in dicto regno nostro Scotie unacum omnibus honoribus &c &c. Apud Whythall Mar. 5. 1661.

LXVII

Official receipt of Baronetcy Fees.

We the four ordinary Maceres of Counsels and Sessionns undersubscrywand grant us to have rasaved fra the right Honor Sr Georg Oglvie the soume of tuentie merkis Scottis money for fees deu to us be him for his Honour and dignitie of Knight Hood most deservedly conferred upon him be his Mätie q^{rat} ue hold us uele content & y^rfor ue discharges the sd Sr Georg Oglevie of Barres of the samen be y^r pñtts subst^t ut our hands at Edr. the sixth of Merch j^{ai} vj^c & threscore & tuo yeires

A HOPE

ROBERT HAMILTONE

JAM : WALLS

JHON GILLAN

LXVIII

"Ratificatione in favoures of Sr George Ogilvy Williame Ogilvy, his sone, his airis and assigneyis Aug. 22 1670."

OUR SOVERAIGNE LORD with advyce and consent of his three Estates of Parliament be ye tenour

heirof ratifies approves and confirms ane Chartour grantit be his Majestie and past and exped vnder his Highnes Greatt Seall vpon ye 3^d day of March 1662 to and in favoures of Sr George Ogilvy of Barras and Williame Ogilvy his eldest lafull sone his airis and assigneyis quhairby his Majestie considering ye eminent services done and performed be ye said Sr George Ogilvy in that he wes instrumentall in ye preservatioun of his Highnes Crowne Scepter and Sword ye Ancient Honours of this his Kingdome of Scotland And ye damadge sustained be ye said Sr George Ogilvy theirthrow from ye beginneing of ye usurpatione dureing which tyme notwithstanding of all temptations and threatnings vsed against him be ye usurperis he caryed himselfe with so much integrity that his Majestie wes graciously pleased to conceive he deserved ane marke of his Highnes favour putt vpon him and his family Vpon which considerationes his Majestie did be ye foirsaid chartour change ye holdeing of hes landes off Barras and of new gave granted and disposed to ye said Sr George Ogilvy and his foirsaidis for ever all and haill ye saids landes of Wester Barras with all and Sundry ye pertinents thairof mentionat in ye said chartour to be halden of his Majestie and his Highnes successores in free blench ferme for yeirlie payment of ane penny Scots money vpon ye ground of any part of ye said landes if ye Samyn bees asket allenerly THAIRFOIR his Majestie with advyse and consent of his Tresaurar and remanent Lords of Exchequer for ye tyme gave granted and disposed to ye said Sr George Ogilvy knyght and barronet dureing all ye dayes of his life tyme and ye said W^m Ogilvy his sone his airis and assigneyes and successores quhatsoever in fee and heritably and irredeemeably all and haill ye foirsaid landes of Wester Barras comprehending ye

severall and particular landes specifiet in ye said chartour together with all title entresse etc. his Majestie had hes etc be reasone off ward relieffe etc. And als discerned and ordaned ane seasine to be taken be ye said Sr George Ogilvy his said sone and thair forsaids at ye said Manour place of Barras or vpon any part of ye grounds of ye saids landes shall stand valide and sufficient etc. as in ye said chartour at mair lenth is contained.¹

LXIX

"Informatione" how the royal honors of this kingdome Crown Sword and Scepter was preserved by Dame Christiane Fletcher during the tyme of the Inglishe usurpers till they were delyvered to the Erle of Marischall conforme to his lre of the date of the sext of october 1660 by her deccased husband Mr James Granger then Minister at Kinneff, by vertue of ane ordor from his M^{tie} for the delyverie of y^m to the Erle Marischall."

Y^e Royall honors of this kingdome eftir his M^{ties} Coronation att Scone was secured by the E. of Marishall in his Castle of Dunoter and y^r eftir his lo, being & taken prisoner by the Inglishe att Eliott [Alyth] was brought to goe aboard of ane ship butt obtenit libertie for his naturall uncle Robert Keith of Quhytrigis to goe to the Mairnes about his affaires, and so privatlie did

¹ Nos. LXVI and LXVIII are printed not from original Deeds, but from transcripts of comparatively recent date.

² This *Information*, occurs among certain papers relative to the Union of the Parliaments deposited in Marischal College, Aberdeen, by order of William, ninth Earl Marischal, in 1709. In the *Inventory* accompanying these papers it is thus described: "Ane old torn copy of an Information given into the Parliament by the Relict of Mr James Granger Minister of Kinneff anent her Preservation of the Honours when in his custody. How farr true I know not."

give him the key of his Closet q^rin the ho: were and desyred him to give the key to my lady dowager his mother then duelling in Bollachen to the effect shoe might goe alongs w^t him to tak out the honors for securing of y^m from the Inglishes wha was at y^t tyme in that Shyre, w^{che} shoe did, but finding difficultie & hazarde to tak y^m out In respect the Inglishes was lying in Stainehyve wⁱⁿ less then half ane myle to Dunater, shoe delyvered the honors to George Ogilvie of Barras then Governour of y^t Castle to be kepted by him till shoe should find out ane way to bring them from thence, q^{che} could not be done In respect the number of the Inglishes daylie Increased Goeing [] for Inuernes and coming south. My deceased husband having to doe w^t the Governo^r George Ogilvie (he being on of the heritors of his parochie) went to Dunoter q^r the said Governo^r did show to him the Royall honors and having seine y^m he desyred the Governo^r to have ane particular care of y^m, the preservacione of y^m being of great consequence. The impressione of the words did so tak the Governo^r that he having revealed the discourse to his deceased wyfe Elizabeth Douglas, they did conclude that they wold send for me and Intrust me w^t the keeping of y^m, And imediatlie y^{reftir} I had ane l^{re} from the s^d Elizabeth Douglas q^rvpon I went to Dunatar 5 myles distant from my hous and eftir ane litle conference w^t the s^d Elizabeth Douglas, shoe shew me the honors desyring me to tak vpon me the keeping of y^m and to carye y^m along w^t me, q^{che} I be the Lords assistance did willinglie vnder take: q^rvpon shoe delyvered to me the Crown and Scepter q^{lks} I brought w^t me on horse back ryding alwayes near to the sea alongs the tops of high craigs Resolving rather to lose my lyfe and throw y^m in y^e sea then y^t they should have taken y^m from me being at y^e tyme in feers of y^e enemie

alwayes : by y^e Lords providence I brought y^m to my
 hous and y^t night qⁿ my famulie was a sleep my husband
 and I went to y^e kirk and having wrapped y^m in clothes
 we interred y^m, This was done be me in y^e moneth of
 Februarii eftir the fight at Worchester and y^reftir in y^e
 moneth of marche I went w^t my servant on foot and
 brought away the Suorde in ane seckfull of hards¹ vpon
 my servants back, And came through the Inglishes w^t
 the hazard of my lyfe and brought it also to my hous
 and interred it no persone knowing q^r they wer interred
 but my deceased husband and I, and imediatlie y^r eftir
 I went and brought away the caise of y^e suorde in ane
 seckfull of cods² having folden it in tua becaus of its lenth
 and greatnes. And sua having brought all away and
 buried y^m in y^e kirk, my husband and I went everie 3
 moneths and did take y^m vp and ayred y^m in y^e night
 tyme befor ane fyre And having wrapped y^m in new
 cloth, Interred y^m againe, this we did continowallie till
 his Maties happie and gracious restauratione. My
 deceased husband by reasone of his long Indispositione
 being for manie yeires on the dying hand resolved to
 reveall it to the Countes Dowager of Marishall q^r
 the honors was lying and having taken her oathe of
 secrecie, he gave it vnder his hand q^r they wer lying,
 Dunoter being taken in by the Inglishes they demanded
 y^e Govern^r and his lady q^t had become of y^e honors :
 his lady replied that shoe had delyvered y^m to Jon Keith
 sone to y^e s^d Douager and that shoe had his receipt
 q^{lk} shoe shew to Gen^{all} Major Morgane. And y^reftir
 Jon Keith having come back to Scotland from Holland,
 his mother apprehending he might be in hazarde sent
 him to y^e Erle of Middletoun wha was in y^e hils, and
 sua procured fra him ane receipt as if they had bein de-
 lyvered in Holland and produceit it to Colonell Cobbit.

¹ *Hards* : flax.² *Cods* : pillows.

And no more hand Sr Jon Keith had in preserving the honors then is heir said nor noe persone els bot my husband and I till they wer delyvered to y^e Erle of Marishall in Dunotar the 8 of October 1660, Conforme to his letter, in alse good conditione as we received y^m wt y^e Inventarie lying besyde y^m.

LXX

¹ *Note from a MS. Treatise on the Office of Marischal by Bishop Keith.*

They [the Honours] were transported in the time of the Usurpation of Oliver Cromwell to Dunnottar Castle by the care and diligence of Mr^s Drummond² mother of Mr David Drummond late of the Bank of Scotland who concealed them in some sacks of Wool with which she rode from Market to Market northward under pretence of selling her Wool till she brought them safe to Dunnottar Castle. When the Castle came to be beseiged by the Republican Army the great concern of the Governor Captain George Ogilvie of Barras and the Garrison was how to preserve the Regalia which was happily accomplished thus. The Governors Lady (who was Elizabeth daughter of John

¹ In the possession of Sir Patrick Keith Murray, Bart.

² The lady here referred to was Katherine, second daughter of Patrick Smith of Braco, Parish of Redgorton, and wife (Contract dated 1644) of Mr. John Cowan of Tailourtown, *q.v. supra*, p. 98. Of this marriage there was issue, a daughter Marie, who was married to Sir William Graham of Braco in Muthill. Mr. John Cowan having died in 1652, his widow remarried four years later, her second husband being Mr. David Drummond, Minister of Moneydie, and son of the seventh Laird of Colquhalzie. They had two sons, David and John, the former of whom became Treasurer of the Bank of Scotland, while the latter attained eminence as a physician. Mr. Drummond died in 1677: Mrs. Drummond subsequent to 12th October, 1690. —Scott's "Fasti"; Douglas' "Baronage," p. 540.

Douglas of Barras fourth son of William tenth Earl of Angus) agreed with her husband to take the whole management of the Affair, to which he was not to be privy lest if he afterwards fell into the Enemies hands he might be compelled by torture to make a Discovery. She concerted with the wife of Mr James Grainger Minister of Kinneff that her Servant should come to the side of the Rock on which the Castle stood towards the sea on pretence of gathering Dulse and Tangles, & by coming frequently and rendering herself familiar to Cromwells Soldiers all suspicion of her would be removed. This had the desired effect and the Regalia were safely transported from the Castle through the Enemies Camp hid under Dulse and coverings and committed to the care of Mrs Grainger who, with the assistance of Mr Ogilvie factor to Earl Marischal the only person to whom she communicated the secret, dug a hole under the Pulpit of the Church of Kinneff and there buried them, where they remained till the Restauration when they were removed to the Castle of Edinburgh with great Solemnity and Joy. Upon the Restauration the then Countess Marishal a Cunning sagacious Wife (says Mr William Meston¹ who succeeded Bishop Keith as Preceptor to Velt Marischal Keith and who gave this Narration to Bishop Forbes) made a Merit of the Preservation of the Regalia to King Charles the 2^d though her ladyship had not the least hand in the Concealment nor knew any thing of the matter till after the Restauration and had her son created Earl of Kintore &c. Mr Ogilvie, not at all pleased

¹ For an account of William Meston, who was tutor in the Marischal family in the beginning of the eighteenth century, and governor of Dunnottar Castle during the '15, see "The Ingenious and Learned William Meston, A.M.," by J. T. Findlay in "Transactions of the Buchan Field Club," Vol. VII, p. 102 *et seq.*

with this sly management, represented his case to the King, who created him a Baronet & converted the holding of his Lands from Ward to Blench. But none took the trouble of representing the parts acted by the Minister's Wife and the honest Dulse wife who were scandalously neglected for want of proper application.

LXXI

¹“*A History of the first Earle of Kintore.*”

John Keith, the seventh and youngest son to William Earle Marischall of Scotland: his mother being eldest daughter to John Earle of Marr sometime high treasurer of Scotland, was born at Leith upon the 13 day of february in the year of God one thousand six hundred and threttie thrie, who being scarcely thrie years of age when his father dyed, was vertuously educated by his mother both at Schools and Marischall colledge in Aberdeen.

I need not say more as to his birth and quality being descended of the noble family of Marischall, of whose antiquity I reffer the reader to the description of that auncient family.

And now since it has pleased his majesty out of his Royall bounty, to conferr on the said John Keith the title and dignity of the Earle of Kintore, it will not be amiss to discover some reason why the said John has arrived to the aforesaid honor.

After he was past Schools, being just at the tyme when the present King Charles the second went out of Scotland with ane army to England, where the Scots were unfortunatly (by their overpowerfull enemies the English rebels) defeat at Worcester, he being a youth designed to go to france, and accordingly went away in

¹ In the possession of Sir Patrick Keith Murray, Bart.

february in the year of God 1652, for holand wherin his voyage at Sea, was in great hazard of being cast away, there being many ships the nixt day whose wrack was discovered, but it pleased God that ship was preserved, having arrived at Campheir in Zeland, he thought to have gone by sea to Calais, and so to Paris, but being twice beat by storm to Wlissen,¹ resolved to go by land, which was wery hazardous ; by reason of the frenches and Spanish armies and Garissons that were so near others in Flanders. But at last having come to Lawbetton² where a Scottish regiment was in Garisen, he stayed there some litle tyme and got thrie or four country Gentlemen (by the favor of his country men) who payed contribution (as its here called) to both French and Spaniard, to go alongst with him and in order to bring him to Arras. But by the way near Dourleans,³ was attacqued by a number of horsemen, and having taken him prisoner, they dismissed the country gentlemen without any damage done to them, and carrying him to a wood, q^r there was ane old demolished chapple, made him come of his horse and presenting ther carrabeans to him (who hade all that sort of armes) he though he understood not ther language yet did know weill there design, which was to kill him, did speak in Latine to them pleading pity for his lyfe, which by the intercession of on of them, who seemed to have some command amongst them, and some compassion for him, and who only amongst them understood Latine, made them stop, and having spoke amongst themselves thereafter he told him that with much adoo hade he prevailed with the rest to spare his

¹ Flushing.

² Probably the town of Bethune in Artois.

³ Here the writer is apparently at fault. Keith must have passed through Arras on his way to Dourlens, which is situated in the Province of Picardy, and considerably nearer Paris.

lyfe, but that there was a necessity of taking all he had which immediately they did stripping him of his cloathes and taking all the gold and mony he had upon him. Whoever this man who under God saved him, did cause him ryde behynd another of that company, himself going alongs, and carred him to a peasants house, and having got a little old coat with there country wooden shoes, ordered the country man to go alongst with him, back to Lawbetton, q^{ch} after many miles going in that posture being in great hazard to be killed by the peasants if this man had not been with him, did happily come to these places where he was joyfully receaved by his country men who thought he had been killed, the country gentlemen who were formerly dismissed having come back and told them of his adventures.

Within few days y^rafter by the favor of that worthy Gentleman then Major Rutherford afterwards Earle of Teviot, got mony from him, and there being a french Gentleman who was going to Paris took the opportunity and went along with him, y^rafter seall hazards in there journey q^{ch} were too tedious to realate at last arrived in Paris at which tyme another misfortune attended him, for having mony which he expected shold have been answered him by bill ; and as much as was destinate to serve him for ane whole year, his merchand brock, and so disappointing him of his mony, rendered him near to a sterving condition, were not that by that famous Gentleman (then lewtennant Geall Middlton) therafter Earle of Middletown his kindness, who brought him to a Scots factor, and upon his engadgement gave him both mony and cloths, then he carryed him to the King who was then at the Lowvre his majesty having made his escape out of England.

I give an account of this, the rather to shew his mis-

fortune in a tyme when all honest and loyall Scotsmen were never in a more sad and miserable condition, and particularly the Earle Marischalls familie the Earle his eldest brother with his second brother then Collonell George Keith now Earle Marischall being both prisoners at Londone, there whole estate was forfeited and in the English handes they being only entertained by the kindness of there most vertuous mother then Countess of Marischall who hade a considerable joynter, which (by the allseing providence of God) she then enjoyed for her childrens preservation.

In the meantyme, the castle of Dunnottar sometyme before it was rendered to the English, the honors of Scotland the CROWN SWORD and SCEPTRE, being there, the aforesaid Countess did go to the Castle herself, and causing open the room q^r the honors lay, ordered the then Governor, by name George Ogilvie to cause remove them to some quiet and secure place (the castle in all appearance not being able to hold out long, by reason provision was lyke to fail, and all probability of supply stopt). Upon which the honors were conveyed out of Dunnottar very secretly to a very honest man M^r James Granger minister of Kinneff, and having buried them in that church, were there secured.

The castle being afterwards rendered up, the said George Ogilvie was dismissed unchallenged for the honors only upon bail was obleidged to appear on a call, but they having searched everyq^r and missing them (there cheif aim) did make prisoner George Ogilvie in Aberdeen and being severly put to it, for his only refuge did declare that two or thrie monthes before he hade committed them to John Keith brother to the Earl Marischall (who was gone out of the kingdome) to be by him transported to the King, & for verefying thereof was forced to make up a receipt of them, by the

said John which he owned & which being produced was the cause of the said George Ogilvies preservation.

In the meantyme this occasioned the said John Keiths banishment untill ane opportunity falling out of serving his majesty, who laid commands upon livtennant Geall Midletown to go to Scotland, by commission then made Geall of all the forces that had risen or were to rise there for restauration of his majesty, and for recovery of his countrys liberties, but the said John having fallen sick of ane Ague in Holand was not able to go immediately with the Geall yet within a litle tyme after having somqt convalesced, did with much difficulty land in Scotland and all the sea ports being secured, Yet it pleased God, having put himself in disguise with a resolution to hazard himself in that service did with great diligence get some horsemen with him, and having a corespondence with the late Marquis of Montros did joyn with him, and met with the Geall at Dunkeld, and there after staying constantly with him till unhappily the English rebels coming on the Scots with overpowering numbers did defeat them at Lochgarioch, in the meantyme he having come of with the Geall, who then retired to Lochaber with the few forces was left, and there being a necessity to separate, he going northward got occasion of a vessel and went abroad, And the said John with the Marquis of Montross after many days wandering through the mountains with very few the most part of there horse being left were included in a capitulation with the English all the rest having also capitulate.

In the meantyme before he parted with Geall Midletown he shew him the more then ordinary hazard he was in lest he shold fall in the English hands, after having owned the carying abroad of the honors he hade nothing to instance the same, q^{ch} might prove a mean

not only to ruine him but lykways put in hazard a discovery where the honors were upon which the Geall did grant a receipt of the honors as if by the Kings order he hade received them at Paris of the date June the eleventh in the year 1652 (his receipt is yet extant q^{ch} I have seen and read) but in effect it was made up at Keppo in Lochaber in July 1654 which hereafter served to so good purpose y^t having with my Lord Montross capitulate with Geall Monk, was received by his order by Coll Cobbart then Governour of Dundee, who when soon he saw him tok, he was ordered to enquire at him if he was the person of whom it was said, hade carryed away the honors, who declared that it was he and upon production of Geall Midletowns receipt was believed that they were carryed abroad, for which as he was no more challenged so was there no more noise of them nor search made after them. Till it pleased God at his majestys happy restauration the said John did go to Londone and having kissed the King his majesty was graciously pleased to look on him with kindness and conferred on him the office of Knight Marischall of Scotland, with a fee and salerlie annexed thereto of four hund. pounds sterling yearly, and the narrative of his patent being yet to be seen and which I thought fit here to insert bearing That having perfect knowledge of the work and loyalty of John Keith brother to the Earle Marischall whereof he was given good testimony at ewery occasion during the late troubles, and of the great service he performed in the entire preserving of his majesties Royall honors the Crown, Sword and Scepter from the violence and possession of these rebels, that these years past have overrun and possessed themselves of his majesties Kingdom of Scotland. Ane service not to be forgotten by succeeding generations & which does justly entitle him to some honorable

employment from his majestie doth therfore by thir presents constitute and creat the said John Keith, Knight Marischall of the kingdom of Scotland etc.

Yet notwithstanding of this favor, his reputation as being the true preserver of them, by the means above rehearsed, was lyke to be abused by the forsaid George Ogilvie who sent up his son to London and hade the impudence to petition the King representing himself to be the only man that hade preserved them, which as it is not to be denyed but that he hade a share in their safety by giving them out to the minister who also deserved a reward for his faithfulness in securing of them which the said John Keith ever acknowledged but it was ane insufferable boldness for that George Ogilvie (whose father W^m Ogilvie being but in a mean imployment as porter in Dunnottar) he may be thought to sute very ill with his son to attempt the lessening the honor and the truth of such ane action of a son of that familie where both his father and himself attained to there cheifest credit by being servants to it.

Whoever the King did make the said George Ogilvie Knight Barronett and gave him a pension : a reward which sufficiently might have satisfied him and whereatt the said John did never repine, and as for the minister who was a most honest man, and who still acknowledged the said John Keith to be the only mean of preserving them as I have seen in ane narration w^{ri}n and subscribed under the ministers own hand attributing to him the honor as the prime instrument of ther safety, q^{ch} by owning the transporting of them abroad did stop the enemy from searching for them and also freed the said George Ogilvie from prison and further tryall the date of this declaration is the 19 of October 1660. this honest minister was by order of parliament holden by the Earl of Middeltown, recommended to get some

mony out of the treasury but the honest man shortly dying therafter got it not, and his relict and children being yet as I suppose alive, deserves certainly a reward, for the which end the said John wold wery willingly contribute his endeavours.

There was the necessity of being so tedious upon this account to vindicate the said John now Earle of Kintore of all lyes and aspersions that might seemingly interrupt the honour he has acquired by being the instrument of ther preservation.

For which cause and for other services done by him his majesty to his honor has graciously continued his favor for him, and having made him one of his privy counsel some years ago has since nobilitate him with the title and dignity of Earl of Kintore Lord Inverrurie & Keithhall etc. The narrative of his patent being about the same strain of y^t of the office of Knight Marischall above rehearsed, he is still alive and having married a daughter of the Earle of Haddington (whose mother was a daughter of George Marquess of Huntly) has four sons and two daughters.

As for his estate, his lands are all seated in the shyre of Aberdeen having the greatest interest in the two litle towns of Kintore and Inverrurie which are two Royall boroughs which are situate upon the river of Don and water of Urie the rest of his lands being upon the said waters, his principal house being called Keithhall, lyes upon the water of Urie the town of Inverrurie being situated ower against it, and the water running betwixt these two places not being much above a quarter of miles distance from other, is reputed one of the pleasantest seats in all that shyre, he has also se^{all} other houses and lands adjacent to them such as Ardeharrall in the paroch of Mountkeigie,¹ Fornat in the paroch of

¹ Keithhall.

Skene and Halforrest in the paroch of Kintore this last being ane old Castle only, famous by being built by King Robert Bruce, who while he hade war against the Cumins hade much residence their.

As for his coat of armes¹

LXXII

*Alexander Nisbet "ffor Sir William Ogilvy of
Barras."*

SIR

I have received from your sone several copies of evidents and instructions of your fathers honourable trust and special fidelitie in keeping and preserving the Honors of our Nation in the worst of times, which are such convincing prooffes of your father and mothers Loyaltie and honestie to their king and Countrie that they weel deserve to be published by an abler pen then mine. Yet Sir I shall not be wanting (since you have been pleased to communicat them to me) to perpetwat them in my designed treatise the best that I can to the deserved Honour of your familie. I doubt not of the veritie of the copies; and your Letter is convincing to me, yet it will be necessar that I see in your sones hands or anie other of your trusties the principals again June next, that I may with greater assurence assert them to the world,

from

Edr

Sir

March 2^d

your friend & humble servant

1700

ALEX^R NISBET²

¹ The following note appears upon the margin of the MS.—
"Refers this to be blasoned & placed by Mr. Robert Innes whither he thinks it fit if it shold be placed after the narrative of his patent is left to himself as he thinks fit."

² The above would lead us to infer that Sir William had caused to be forwarded only the evidential matter which is appended to the

LXXIII

*“A true Information of ye honours of Scotland and ye manner of yr preservaone in time of ye English overrunning Brittain and Ireland under Cromwell ye usurper.”*¹

Before his late Mātie K. C. ye 2nd (of ever blessed memorie) his going up to Worcester w^t ye Scotts armie, umq^l Sr George Ogilvy of Baress (yⁿ George Ogilvy) was made Governour of Dunnotter and had ye crown sword and scepter of this kingdome intrusted to his custodie y^r; he finding ye s^d Castle Disappointed of men, Amunition and all oy^r provisions, q^{ch} his Mātie had ordered to be giv'n in to it; and also perceiving ye Enemy prevailing over all; and all oy^r forts reduc'd under y^r power and command save ye s^d Castle yⁿ last of all his Māties Dominions unrender'd-up: and so perceiving himself Destitute as afores^d, and unable to hold out longer ag^t ane Enemy att y^t time invincible, thought if he cou'd preserve the honours, he did all cou'd be Done, and what was of most Concernment: q^rupon he being a prudent man, considers y^t he wou'd be forc'd to surrender ye Castle, and to give ane account of ye s^d honours, q^rupon he told his wife (being ye Daughter of Mr Jo'n Douglas of Barress, broy^r-german to W^m Earle

account of the family given in Mr. Nisbet's work. But a verbatim MS. of the whole as printed, which occurs among the “Barras Papers,” appears to indicate that this was not the case. Whatever project Nisbet may have entertained of adding to or of embellishing his materials, the better to perpetuate the honour of the family, there is little doubt, we think, that the paper on the Ogilvies was incorporated in the posthumously published second volume of the “Heraldry” precisely as it left Sir William's hands.

¹ This *Information* is in the handwriting of Sir William Ogilvy, and represents his version of the story.

of Angus, grandfayr of y^e late W^m Duke of Hamilton) q^o was also very prudent and of ane undaunted courage according to her sex, y^t he cou'd not longer hold out and y^rfore Desired her to Convey-off secure y^e honours w^tout his privitie and knowledge, least he being putt to it, and excercis'd w^t torture myt not know to Declaire where they were : So she sends for Mr James Grainger his wife, and recommends to her care and fidelitie y^e securing of y^m in y^e Church of Kinneff and y^t she myt y^e more freely undertake and keep secret y^e matter y^e s^d Sr George his wife Did engage and promise for herself and in name and behalf of her husband (tho' w^tout his knowledge) to y^e s^d Mr James Grainger's wife, and her husband to stand in y^e gape¹ betuixt y^m and all danger. So y^e Castle was surrender'd on hon'able termes of Capitula^one : one of y^e Articles being to give up y^e honours or give ane rational account of y^m, these are y^e very words of y^e Capitula^one q^{ch} Sr William Ogilvy of Barress y^e s^d Sr George his sone hath by him. So to be brief, after y^e Castle was surrender'd-up to y^e English, they desir'd y^e honours or ane account of y^m and y^e s^d Sr George told he knew not of y^m his wife had sent y^m away and did not acquaint him where : upon q^{ch} y^e English Distrusts y^m and putts y^e s^d Sr George and his wife in strait-prison in Dunnotter causing a sentinel to stand at y^e prison door, and anoyr att y^e prisoners bedside all night y^t they shou'd not comūne together about y^e honours. So they were brought out and examin'd oft'n, and still Sr George said his wife had sent y^m away w^tout his knowledge, but q^r he cou'd not tell upon oath. His wife was next examin'd and she did boldly affirm y^t she Deliver'd y^m to Jo'n Keith (now Earle of Kintore) q^o was yⁿ abroad att his travells, and knew not in y^e least of y^e securing and preserving of y^e honours, nor

¹ *Gape* : breach.

what was become of y^m or y^e Castle either : and she said y^t Jo'n Keith had Deliver'd y^m to K. C. y^e 2nd att y^e Hague : but y^e English still Distrusting y^m kept y^m in a squalid prison in Dunnottar about twelve moneths : and also During y^r imprisonment a partie of English were sent out to Barress under cloud of night to apprehend and bring-in y^e s^d Sr George and his wife y^r only sone and child (q^o yet lives and was then but a young boy) w^t a designe to cruciat, and to treat him inhumanely in syt of his parents to extort (y^rby) confessions from y^m : but by y^e Divine aid and providence he escap'd a little (yea some minuts) before y^e souldiers came to y^e house of Barress where he was : and underwent much toil and fatigue by travelling night and Day in a slovenly habit and y^t under covert of a Chapman his apprentice, till he gott to his friends in Angus among q^m he was conceald and kept. Y^e chapman's name w^t q^m y^e s^d Sr George his sone went away (in occulto) is Jo'n Duncan q^o is yet alive in y^e parish of Arbuthnott, and shire of y^e mearns. And after y^e s^d Sr George and his wife had been imprison'd about twelve moneths y^e English not being able to gett a farther account of y^e honours from y^m upon media^one of friends General Dean granted y^m Libertie to goe to y^r own house upon ane Bond of 2000 lb ster^{lg} and y^e Laird of Morphie Cau^r to enter y^m prisoners upon demand and y^t they shou'd not goe about three myles from y^r own house of Barress w^tout a pass : under q^{ch} restraint they remain'd all y^e time till K. C. y^e 2nd his restaura^one and all this time they had a special care of y^e honours and sen monethly clean linning to Mr Grainger's wife w^t instructions to take y^m up and wrap y^m y^rin when the old linning was rotten least they shou'd have been spoil'd or tarnisht with Dust and rust : They being hidd and repositid in y^e west end of y^e s^d Church of Kinneff under forms or seats q^r y^e

Commonalitie sitt : And y^e Min^r Mr James Grainger and his wife being still privie and y^e keepers of y^m y^r (according to y^e s^d Sr George his wifes order) and were faithfull in y^r secresie till his s^d late M^{at}ies restaura^one and y^e s^d Min^r did re-deliver y^e s^ds honours to y^e s^d Sr George, and he according to order did Deliver y^m to y^e yⁿ Earle Marischall and gott his receipt of y^m q^{ch} was produc'd to his s^d late M^{at}ie. But notwithstanding this noble good service faithfullie perform'd be y^e s^d Sr George and his wife as verily and reallie as 'tis here wrīne, yet at his M^{at}ies restaura^one y^e yⁿ old Countess of Marischall wrot to his M^{at}ie y^t her sone Jo'n Keith had preserv'd y^e honours of Scotland being y^t y^e s^d Sr George had (unwarily) imparted to y^e Countess where they were hidd : and how by laying y^e blame on her sone he had sav'd himself and conceal'd y^m from y^e English : so y^e s^d Sr George not knowing y^t y^e s^d Countess had tak'n occa^one to alleadge and pretend any such thing, or y^t she had wrīne to y^e king entrusts his affair to y^e yⁿ Earle Marischall to represent it to his s^d late M^{at}ie and to gett him a suitable reward : But how soon y^e s^d Earle and his broy^r were att London Kintore gott y^e late Earle of Midletown to diswade y^e E Marischall from acting for y^e s^d Sr George, and to act for his broy^r, to make him a great man, being 'twas Sr George evasione qⁿ question'd by y^e English, y^t y^e s^d Jo'n Keith (now E of Kintore) had y^m over seas to his s^d late M^{at}ie, as is before att length express'd. Whereupon y^e s^d E Marischall was laid asyd from nameing y^e s^d Sr George his good-service and his wifes, or y^r sufferings on y^t account : nor yet y^e deue way and rela^one of y^e preserva^one of y^e s^ds honours. And so w^t moyen (as y^e suppos'd preserver of y^m) he was made Sr Jo'n Keith, knight marischall of Scotland, and gott 400 lb sterl of yearlie pension q^{ch} is yet settl'd upon and

continu'd to one of his sones w^t y^e s^d place and title. So S^r George haveing follow'd the s^d E Marischall up to Court, and finding his affair y^r altogether wrong, represented y^e true state y^rof, and y^e wrong was done him y^rin, to y^e late Earle of Airlie (yⁿ Lord Ogilvy) wher-upon y^e s^d E represents to his s^d late M^atie, and y^e yⁿ Earle of Lauderdale, y^e wrong y^t y^e s^d S^r George was like to sustaine by y^e E Marischall's neglecting of his affair, and y^rby to frustrat him of his Deserv'd reward and yⁿ y^e E of Lauderdale advis'd his s^d late M^atie to Cause y^e honours be deliver'd to y^e E Marischall and to gett his receipt upon y^m. For Lauderdale said if S^r Jo'n Keith had kept y^m S^r George was not able to gett y^m: But if y^e s^d S^r George had y^e keeping of y^m 'twou'd evidently and undenyable appear q^o was verilie y^e preserver of y^m: but in y^e mean time y^e yⁿ old Countess of Marischall was erenestly solliciting and dealing w^t y^e s^d M^r James Grainger Min^r of Kinneff to have y^e honours (yⁿ hidd w^t his privitie and knowledge in y^e s^d church) Deliver'd to her, but her desyne was render'd abortive, for S^r George having a surmize of it went forthw^t and took up y^e scepter out of y^e s^d church, and gott ane obliegment from y^e s^d Min^r to make y^e rest of y^e honours forthcominge to him: And so after y^t y^e order was sent to y^e s^d S^r George to deliver y^m to y^e E Marischall; q^{ch} he accordingly did and gott his receipt on y^m and brought it up to his said late M^atie and Lauderdale q^o acknowledg'd it to be (as truely it is) y^e s^d Earle Marischall's hand writing: and after his M^aties reading of it y^e s^d S^r George humblie requested it back to be kept in his familie as ane evident and videmus of his loyaltie and good service done to the king and kingdome of Scotland.

LXXIV

*William Ogilvy for "The Laird off Barras younger
to be left att James Moncur in Temple off Kinneff."*

Edr Junij 18

1702

LOVING BROYR

About two hours hence yo^{rs} I receiv'd, and immediatly y^rafter went in order to obey yo^r commands towards y^e Abby off Holiroodhouse, and being acquainted with one of y^e Dukes serts (viz : Mr Watson his butler to q^m before I entrust'd y^e delivery of yo^r l^{er} to y^e E: of Ruglen) I took the occasion of him to deliver yo^r l^{er} to his grace but in y^e interim, while he and I'm together, y^r comes ane oy^r ser^t calling him to my Lo/ Duke, and Mr Watson bids me goe alongst w^t him, I was averse not being in such dress as I would have wisht (only had clean linens) nether in y^e fashion to witt black (q^{ch} y^e D: is cloath'd w^t) however he importuned me and att length I went and presented his grace in such habit as I was and delivered him yo^r l^{er}. After getting it he said he should peruse it and went aside to ane oy^r room together w^t My Lord Montgomery who was in company w^t him, and stayeng a while w^t Montgomery he att length sees him to the door, and passing me again says to me, S^r I shall just now give you ane ans^r and retireing a little he returns and tells me y^t immediatly y^r was noe opportunity offerring; but qⁿ y^r was he shou'd not be wanting to do us all y^e service y^t in his power were and y^t he shou'd (I know not q^t it is) consider the inclos'd paper, and after moveing a little (I att his side) thorow y^e floor, says yo^r our Cousin,¹ Ansrs I, yes

¹ The cousinship acknowledged, here and elsewhere, between the Hamiltons and Ogilvies was sufficiently remote, James, fourth Duke

my Lo/ and reckons my great honour, so he asks me if I stayed in town, yes^r. q^t are you imploy'd about, I'm studieing y^e law ; its very good, says he, and so we parted. I was not well past y^e pillars in y^e court qⁿ he's comeing out to goe up y^e town, so I stood untill he pass'd and in y^e passing salute him to q^{ch} he return'd a congie,¹ I perceiv'd in his hand yor l^{er} w^t y^e inclos'd paper, q^{ch} way he went into coatch he was goeing to visit y^e Marquess off Tweddale, so I doubt not but he has lett him see yor^s. Since I wrote last to you I'm (be a certain person whose name I'm under promise not to reveall) informed y^t our adversary is instantly writing ane aⁿs^r to all y^t on our side is printed, not only y^e first but also y^e last copy.² How and q^t way he's com'd be y^e last I cannott understand but this person tells me he has both. I can upon oath declare y^t I never took y^m out off my chest since parting w^t you : but only one day and alone in my chamber to have ane idea of q^t was last printed revised ane copy, and immediatly put it into my chest again q^{re} they now are still, so I suppose you will not judge it to have com'd from me. This is not all but as y^e said person says he's intending to prosecute y^e matter in law, as he formerly exprest himself to Mr Nesbett, and has vpon y^e head already consulted her M^{at}ies advocatt : q^{re}for I honestly admonish you to be upon your guard : for att y^e time he has all law (as its said) upon his side : however he says y^t he fears only to be top'd be y^e D: of Hamilton and y^e Marques of Annan-

of Hamilton, being great grandson of William, tenth Earl of Angus, to whose brother, John Douglas of Wester Barras, the writer occupied a similar relationship.

¹ *Congie* : dismissal.

² This evidently refers to the "Vindication" which is described in the "Information for Lord Kintore" as being handed about in writing.

dale upon our account for y^{rs} none of y^m y^t favours him, and he's also att variance w^t his nephew y^e E: Marshall: so yett I say it were your wisdom to make a start over and secure to yow y^t people: but in this doe as you think fitt. This day, be q^t part off y^e parliate sitts, y^r was 10 moneths and ane half off cess imposed payable in two years. That town Kyserswoert q^{ch} has all this while coast y^e confederates great trouble and loss of men is now (as y^e lërs bears) surrendered be y^e french:¹ but upon honourable terms viz: to march out w^t drums beating banners display'd, and upon conditione y^t y^e fort shou'd be demolish'd never to be rebuilt. I dailie look for my summer cloaths and expects here after I shall not want a black suite besides my oy^r cloaths, for truely if it had not fallen out accidentilly I wou'd scarcely have seen y^e Duke in y^e cloaths I have. I told you in my last I was redact'd² to a crown & now seeing I have had noe supplies I must needs and borrow, for a man haveing noe mõe in his pocket looks very bleat³ especially here. You send me many missives w^t out any thing else: but they wou'd be y^e more acceptable if such as w^tout falling back, myt be thrown over a house top. Hopeing not to be so scrimpt for the future as hitherto I remain

Yo'rs as formerly

W. O.

Ther's a little loss happen'd of late to me and occasion'd be him att whose hands I wou'd not have expected it. I lent my sword to John Ogilvie Pitt-mouies⁴ cousen y^e length off Perth, he returned to Edr but it seems all things are not ryt w^t him and lykewise

¹ The surrender of Kaiserswerth took place on 15th June, 1702.

² *Redact'd*: reduced.

³ *Bleat*: shamefaced.

⁴ John Ogilvy of Pitmuis married Margaret, daughter of Sir William Ogilvy by Marjorie Rait.—*v. Pedigree.*

his moy^r was not so kind w^t him as she ought q^re^rfor he has gone w^t Sr James Wood of Bonytown¹ as a cadie² and w^tout acquainting m^e has taken my sword alongst w^t him so I'm now destitute both of coats and sword.

LXXV

[Print]

Information for the Earl of Kintore Against Sir William Ogilvie of Barras and David Ogilvie his son.

The *Regalia* of the Kingdom of Scotland were entrusted to the then Earl *Marischall* during the time of the late Troubles, and were by the care of the late Earl, the Countess his mother, and especially by the Prudence and Firmness of *John* now Earl of *Kintore*, then Mr *John Keith* the Earl's Brother, preserved from falling into the hands of the *English*, and after the Restoration of King *Charles* the Second, discovered and restored to the Government, with an ingenuous and honest Account how they had been preserved, not omitting what concern *Ogilvie* of *Barrass* (who was the Earl's Lieutenant of the Castle of *Dunnotar*, by a Commission from the Earl himself) had in the matter.

But Sir *George Ogilvie* of *Barass*, conceiving that it might be a great advancement for his Family, if he were understood to be the sole Preserver of the Honours, and that in a matter so mesterious and secret,

¹ Sir James Wood, second Baronet of Bonytown, succeeded his father in January, 1693. He served sometime in Holland, and was Governor of Dendermonde; was subsequently Major in Strathnaver's regiment, and became a Major-General in 1695. Sir James married Anne, daughter of Edward Jones, Master of the Royal Vineyard in St. James's Park, Westminster, and died s.p.m. 3d May, 1738.—G. E. C. "Complete Baronetage," Vol. IV, p. 254.

² *Cadie*: a boy employed on running errands or any inferior sort of work.

it would be easie to assert boldly: Did therefore ungratfully and foolishly set up for the honour of having done that Service to his Majesty and the Nation, without any Assistance of the Familie of *Marischal*, But the thing being then recent and all the People alive who knew the Circumstances, which served to give light to the Truth, *Barass* let fall his Pretensions, and the true Account of the Preservation of the Crown, Scepter and Sword, has not been brought in question by any Body for 40 years.

But in *Anno* 1701: there was a Pamphlet printed and dispersed Intituled, *A true account of the Preservation of the Regalia of the Kingdom of Scotland, Viz.* the Crown Sword and Scepter, from falling into the hand of the *English* Usurpers by Sir *William Ogilvie* of *Barass*, Knight and Baronet, with the Blazon of that Family, and wherein he pretends to arrogat the chief merite of preserving the *Regalia* to Sir *George Ogilvie* of *Barass* his Father, and to his Mother, detracting at the same time from the Family of *Marischal*, and particularly alledging, that the Countess Dowager of *Marischal* Grand mother to this Earl had suppress the Truth, and imposed upon K. *Ch. 2d.* and that the Earl of *Kintore* was Abroad, and knew nothing of the matter.

The Earl has therefore raised a complaint before the Lords of Privy Council, against *Barasses* elder and younger for this false defamatory Libel,

And to the effect, that the Lords of Privy Council may be fully informed concerning the preservation of the *Regalia*, and that the Earl may be vindicat, and *Barasses* Falshoods discovered, the Earl begs liberty to make a true and ingenuous Narration.

King *Charles* the 2d. being obliged to leave *Scotland* upon the prevailing of the *English* gave a Commission to the Earls *Crafurd*, *Marischal* and others to manadge

the Government, and the Earl of *Marischal* having obtained an Establishment for a Garrison in the Castle of *Dunnotar*: He did name *George Ogilvie*, thereafter Sir *George Ogilvie* of *Barass*, to be his Lieutenant, as not doubting but he would be trustie to him, seing the said *George Ogilvie's* Father, had been the Earl's Porter, and the said *George* himself had been bred up about his Familie, and had received by the Earl's favour the first advance towards his better Fortune.

The Earl of *Marischal* having gote the *Regalia*, did depositat them in a secret place of the Castle of *Dunnotar*, of which he kept the Key himself: But the Earl *Marischal* being surprised and taken by the *English* at *Eliot* [Alyth], sent the Keys of the place where the Honours were kept, to the Countess dowager his Mother, a person of great Vertue, Prudence, and Loyalty, who came herself to *Dunnotar*, and delivered the Honours to *George Ogilvie*, with special Order to take care of them, in case he should be forced to surrender the Castle.

About this time the Committee of Estates, seing the *English* like to carry all before them appointed the Honours to be delivered to the Earl of *Balcarass*, which the said *George Ogilvie* was ready to have complied with, but was diswaded by the present Earl of *Kintore* who at that time, although very young, did project a far more effectual way to preserve the saids Honours, and indeed if the Honours at that time had been sent thorow the Countrey, which was full of the Enemies Troops, or even had been delivered to the Committee of Estates which was shortly afterwards dissipate, they would have undoubtedly fallen into the hands of the Enemy.

The *English* approaching to *Dunnotar*, & there being no appearance of relief, the said *George Ogilvie* gave the Honours to Mr *James Granger* Minister of *Kinneff*,

who carried them out of the Castle, and the said Mr *James* sent his Wife to receive them, who by her maid did carrie them away, being packt up in a Burden of flax, and thereby they were brought safe to the Minister's house, albeit they met with a Party of the Enemie upon the Road, and were by the Minister hid in holes digged under the Pavement of the Church, and as the Trust was intirely from the Countess of *Marischal* in absence of the Earl who was then prisoner: So Mr *James Granger* gave a Declaration to the Countess, written with his own hand, bearing Date, the 31 of March 1652 acknowledging the Custody, and describing the very places of the Church where the Honours were hid: and concluding in these words, "that if it should please God to call me by Death before they be called for, your Ladyship will find them in that place."

But the better to cover this and to amuse the *English*, the Earl of *Kintor*, then Mr *John Keith* retired secretly and went to *Paris* where King *Charles* was, and then it was given out, that he had carried the Regalia beyond Seas to the King; and when the Castle of *Dunottar* was taken by the *English*, and *Ogilvie* detained prisoner until he should give an account of the Regalia: *Ogilvie* alledged for himself, that Mr *John Keith* had carried them beyond Seas; and to support this storie, a Letter was procured from Mr *John* owning that he had done so, upon which *Ogilvie* was liberat.

King *Charles 2d.* having sent the Earl of *Midletoun* to Command in *Scotland*, the Earl of *Kintor* resolved to venture his Life for his Majesty, and came along with him, and when that Attempt proved unsuccessful, and that those who had been in Arms for the King at that time were forced to Capitulat, the Earl of *Kintor* foreseeing that he would be brought in danger for the Regalia, took from the Earl of *Midletoun* a Receipt for

the Regalia, as if they had been delivered by the Earl of *Kintor* to the Earl of *Midletoun* at *Paris*, although it was truly dated at *Keppoch*.

The thing happened as the Earl of *Kintor* had foreseen, for he was taken up and Examined strictly by Collonel *Cobet* Governour of *Dundee* who by General *Monks* Order did capitulat with the Marquis of *Montross* and him, but having produced the Receipt, and answered firmly and consistently, he was dismissed, and by these means the Regalia were no farther heard of, nor sought after till the Restoration.

After the Restoration, the Countess of *Marishal* gave a plain account of the whole matter ingenuously, owning *Barass* his part as a Servant under the Earl of *Marishal*, and which was no more then, that *Barass* had once the keeping of the Honours, and delivered them to *Grainger*, and that he did not discover *Grainger* when he was examined by the *English*; Nor did the Countess forget Mr *Graingers* fidelity in the matter, which did not at all diminish her own and the Earl of *Kintors* Merit, who were the principal actors and manadgers, and who projected the manner of preserving the Honours by lodging them in *Graingers* hands, and took his Declaration concerning them; and by a very wise and prudent device, led the Enemy off from the pursuit of the Honours; albeit that device did both expose the Earl of *Kintor* in his Person and Fortune, and his Majesty King *Charles 2d.* was so far convinced of the Earls good service, that he was pleased at that time to create him Knight *Marishal*, upon the narrative of the service done in preserving the Crown, &c.

But *George Ogilvie* of *Barrass* had laid the design, to have the sole merite of preserving the Honours ascribed to himself; and for that end endeavoured to persuade Mr *Grainger* that his fidelity in that matter was

not represented to the King ; but that the Countess of *Marishal* and her Son, were taking the glory of the Action intirely to themselves, and the only way to prevent it was, to deliver the Honours to *Ogilvie*, that he might have them to show and *Ogilvie* was to make a Representation for himself and Mr *Grainger* to the King : Mr *James Grainger* being half perswaded by *Ogilvies* mis-representation, and yet not fully trusting him, granted him only a part of what he asked, having delivered the Scepter to the said *George Ogilvie* of *Barrass*, retaining the rest, but however he took *Barrass* his Receipt for the whole, which Receipt was qualified by a back-note given by the Minister to *Barrass*, whereby he acknowledges that albeit he had *Ogilvies* Receipt for the Honours, yet *Ogilvie* had gotten no more but the Scepter, and oblidges himself to make the rest furthcoming at demand ; which back-note *Barrass* has published in his Pamphlet.

Barrass having by these means in appearance the Honours at command, and having his Son in *London* to sollicite his business, under the favourable protection and countenance of the Lord *Ogilvie*, did boldly give it out, that he and his Lady were the principal Keepers and Preservers of the Honours, and procured an Order to himself to deliver them to the Earl *Marishal*, hoping that if the Honours were so delivered as he might have a Receipt, it would confirm the story that he was the principal Keeper and preserver of the Honours : And this Order being transmitted by the Son to *George* the Father, *George Ogilvie* sent it to Mr *Grainger*, to go alongst with him to deliver up the Honours to the Earl *Marishal*, which he absolutely refused, having been abused by him before, and so went out of his House with the Crown and Sword to be delivered to the Earl *Marishal*, which *George Ogilvie* perceiving, met the

Minister on the Road, with the Scepter, and both came to *Dunnotar* at the same time, and accordingly delivered the Honours to the Earl *Marishal* in presence of the Viscount of *Arbuthnot* and several others; But *George* having been Lieutenant of *Dunnottar*, and having had once the custodie of the Honours from the Earl and Countess of *Marishal*, did propose to the Earl *Marishal* that he might have a Receipt, under the specious pretext as being necessarie for his exoneration, and having gotten this Receipt from the Earl, he immediately transmits it to his Son at *London*, who improves it as a proof that his Father had been the principal keeper and preserver of the Honours; and he procured a Patent to be Knight Barronet, with a Charter changing the holding of his Lands, &c.

But all these being false representations, imposing upon his Majesty, and detracting from the good service done by the Earl of *Kintor* were quickly discovered, and *Grainger* who had been abused amongst the rest, gave an account in a Letter to my Lady *Marishal* yet extant of *Barrass* his conduct with him, and the Countess of *Marishal*, and the Earl of *Kintor* having also complained, and redargued *Barrass* his false accounts by the Writs abovementioned, *Barrass* let his pretensions fall; the rather not only because he was redargued from the Writs, but that the Earl of *Middleton*, the *English* Officers who had examined anent the Honours in the time of the Usurpation, and the Viscount of *Arbuthnot*, and the other persons who were present, when Mr *Grainger* als well as *Barrass* were all alive, and ready to have confounded *Barrass* his false and arrogant pretence. But now Sir *William Ogilvie* his Son presuming that the obscurity by the length of time, and death of many worthie Persons who knew the circumstances of the matter, may favour his Claim, has revived what

his Father first fraudulently contrived and fraudulently dropt, and endeavours by the forecited Pamphlet, to insult the memory of the deceast Countess Douager of *Marishal*, and detract from the Merite and Services of her Son the Earl of *Kintor*, contrary to the Truth it self, and contrary to the evidences abovementioned. But the Earl has the happiness to have the matter decided by his Majesty, in his Letters patent to him as Knight *Marishal*, and by a Letter under King *Charles 2d.* his hand to the Countess of *Marishal*, and another from the Earl of *Middleton*, wherein *Barrass* is treated as a little fellow, and by a Patent creating his Lordship Earl upon the narrative of that very Service, long after *Barrass* his arrogant pretensions, with a prescription of 40 years.

The Earls merite in this matter being vindicate by the Narrative abovementioned, *Barrass* Pamphlet with his pretensions upon that account, to have been the sole keeper and preserver of the Honours, falls in consequence :

But because the Pamphlet does not only advance matters false, but represents them in a way injurious to the Earl of *Kintor*; and in a further vindication handed about in writing by the same *Barrass*, he insists farther upon the same Falshoods and Injuries, the Earl has raised the foresaid Lybel before the Lords of Privy Council, and shall make the following Observes upon the Pamphlet.

And *First*, by the Pamphlet it is evident, that *Barrass* his concern about the Honours was only as a Servant, intrusted by the Earl *Marishal*, in als far as his Commission to be Lieutenant of *Dunnottar* was only from the Earl himself.

2. The Story as it is told by *Barrass*, of his Mothers convoying the Honours out of the Castle with-

out his Fathers knowledge, and that this was by his Fathers own Contrivance, is little better than a jest.

3. Not to enter upon the question, whether *Barrass* maintained the Castle of *Dunnotar* as long as it might have been kept out, or of the Capitulation without extremities whereby he delivered up not only the Castle, but the Furniture and other Goods belonging to the Earl *Marishal* and others, to a very considerable value, was honourable; it seems strange and dis-ingenuous that *Barass* should have capitulated upon the terms of delivering up the Crown, which yet he knew was not in his power.

4. The narrative pages 7 and 8, alledges that the Lady *Barass*, being examined concerning the Honours, pretended that the Earl of *Kintor* had Carried them Abroad to the King: and yet page 11th the same Pamphlet alledges, that the Earl during the Transactions was Abroad at his Travels, and knew nothing of the matter.

5. In the 10th page he asserts, that *Captain George and his Lady, were the principall Keepers and Preservers of the Honours whatsoever others pretend, and the only Sufferers therefore:* and in the 11 page he adds, *that the Countess of Marischal wrote to his Majesty, that her son John Keith now Earl of Kintor had preserved the Honours, being that he the said Captain George had unwarily imparted to her where they were hid, and that upon the said misrepresentation, her son was first created Knight Marischal, and thereafter Earl of Kintore, with a Pension for his pretended preservation of the Honours:* Albeit by the Ministers Receipt it is clear and evident, that upon lodging the Honours in the Kirk of *Kinneff*, he gave the Receipt and Declaration to the Countess of *Marischal* bearing the particular places where they were hid: So that

Captain *George* nor his Wife never imparted the same to the Countess ; and not only thereby asserts what is false in that matter, but adventures even to bely his Majesties Patents.

6. By a Paper handed about in write, he asserts "that he and his Lady were the only Sufferers for, and Preservers of the Honours" ; and in the 3^d page thereof "asserts that Sir *George* his Ladys making use of the now Earl of *Kintore's* name, was a very lawful Strata-gem in her, and that which no generous Man Abroad would have declined to own : But would not have reaped the fruits of Sir *George* and his Ladys Labours, nor taken the whole reward due for their Sufferings". And in the last page thereof adds, that by his Narrative "Truth doth appear in its naked Collour, without fear or favour of any" ; which is not only an Aggravation of his former bold Assertions and Falshoods, but upon the matter a defyance to any one who would contradict them. And besides if (as *Barrass* grants) the Earl of *Kintore* owned the carrying away of the Honours, then it follows, that what he advances in his Pamphlet, page 11, is false *viz*: that the Earl was abroad, and knew nothing of the matter.

7. This Paper of his seems to be inconsistent with itself for it ascribes the sole Preservation of the Honours to his own Conduct : and yet in the 3^d page of his written Paper says "That his Lady did not discover to him where the Honours were, till she was on Death-bed, and then did import to him, how and where the Honours were hid and reposed, and took his hand upon Oath, not to betray the Trust she had committed to him". By which it is evident that the Minister made only the Countess *Marischal* known to the Place where the Honours were hid, which is documented by his Receipt and Declaration to the

Countess. And *Barrass* has nothing but his own bare Assertion to support his Ladys Knowledge and Discovery made by her to him on Death-bed.

8. Sir *George* seems to acknowledge by his own Papers, that the King himself was convinced that it was arrogance in Sir *George Ogilvie* to ascribe to himself the sole Preservation of the Honours ; For in the sixth page of his own Paper, he says, That when the Lord *Ogilvie* did sollicite *Stafoord* to represent the eminent Services due by the said Sir *George* and his Lady in preserving the Honours of *Scotland*, That the King's Answer was. *By my Lord Ogilvies good leave it most not be so, for my Lady Marischal wrote to me, that she and her Son John preserved the Honours.*

And, lastly, the Receipt granted by the Earl *Marischal*, does not prove for *Barrass*, that he had the keeping of the Honours but on the contrary, the back Note granted by Mr *Granger* the Minister to *Barrass*, joyned with the Earl's Receipt, evince the contrivance on *Barrass* part ; for to what end did *Barrass* give a Receipt of the whole Honours, when he received only the Scepter, if that Simulation was not intended to be a false evidence that *Barrass* had the keeping of the whole ? Or if ever *Barrass* had got the rest of the Honours from Mr *Granger*, is it to be thought that *Granger* would not have retired his Back note in a matter of such consequence ; But seing *Barass* had laid so many Plots to have the appearance of being the Keeper of the Honours, when he was not ; it follows plainly, that the Earl *Marischall* Receipt was only intended by the Earl *Marischal*, as an Exoneration to *Barass* of the Trust he had of the Honours when he was Lieutenant of *Dunnotar*, but *Barass* out of a fraudulent Design, took care to have the Receipt so worded, as might best suite his purpose.

By all which its clear and evident 1. That what was done by *George Ogilvie* in relation to the Honours was by Commission and Trust from the Earl of *Marischal*. 2. That the Countess delivered the Honours to him out of her own Hand, with particular Orders about their Preservation. 3. That the Earl of *Kintore* kept the Honours from being given up to the Lord *Balcarras*, when he demanded them by Order of the Estates. 4. That the Honours were carried out of the Castle, and kept by the Minister of *Kinneff* by the Countess direction during the Usurpation. 5. That the Earl of *Kintore* by his letter from *Paris*, took upon himself all the danger, by owning that he had carried the Honours Abroad, that upon that Account he was upon the Matter banished, and upon his return apprehended, and after his Escape hunted from place to place, that he gallantly hazard his Life under *Midletoun*, that he wisely contrived the getting that Generals Receipt, which intirely quieted the *English*, that he underwent many Hardships before Capitulating, that he behaved with so much Conduct and Exactness, that he intirely secured the Honours from all further pursuit ; And Lastly, That *Barras* these fourty years bygone, was so far convinced of all this, that it was never attempted till of late by this *Barras* or his Son, to call the same in question.

In respect whereof, and that *Barras* printed Paper is a most injurious Defamation and atrocious Slander to the Truth, to his Majesty King *Charles* the 2^ds. acknowledgements, and to the Faith of repeated Patents, it's hoped your Lordships will not only Ordain him to retract the same, as a manifest Villany, but also will Ordain the foresaid ignominious Pamphlet to be burned by the hand of the Hangman, and all other Reparation made to the Earl of *Kintore* of his Honour, Fame, and good

Name, that can be proper against such injurious and reproachful Undertaking, and will punish *Bar-ras* in his Person and Goods, as your Lordships shall think fit.

The Kings Letter to the Countess Marishel.

COLLEN January 4th 1655.

I have so much to thank you for, that for your sake I mention no particulars ; but am Confident I shall live to see you, when we shall be merry, and comfort one another with the Memory of what We have done and suffered, I choise rather to let you have these two or three Lines from me then to suffer you to imagine that I know not how much I owe yow ; And if this acknowledgment miscarry, it can do you no harm, and you will some other way know that I am very heartily

Your most Affectionat Friend

CHARLES R.

Minister of Kinneff's Receipt to the Countess Marischall
March 31, 1652.

I Mr *James Granger* Minister at *Kinneff*, grant me to have in my Custody the Honours of the Kingdom of *Scotland*, viz. the Crown, Scepter and Sword, for the Crown and Scepter I raised a Pavement stone just before the Pulpit, and dig'd under it a hole and put them in there, and fill'd up the Hole and put down the stone just as it was again, and remov'd the Mould that remain'd, that none would have decerned the stone to have been rais'd at all ; The Sword again at the West end of the Church among some common Seats that stand there, I dig'd down in the Ground betwixt the two foremost of the Seats, and laid it down within the case of it, and covered it up so, that removing the superflous Mould it

could not be decerned by any Body ; And if it shall please God to call me by death before they be called for, your Ladyship will find them there.

sic Subscribitur Mr James Granger.

The King's Letter to the Countess Marischall.

WHITEHALL 4th September 1660.

MADAM

I am so sensible of the good Service done to me in preserving my Crown, Scepter and Sword, that as I have put marks upon your Sons, so I could not let them go to Scotland without acknowledging also my sense of your kindness and care in that and other things relating to my service during my absence : I do desire that the Honours may be delivered to my Lord Marishal, that as he received them, so they may be delivered by him to the ensuing Parliament, and shall only add that on all occasions ye shall find me

Your affectionat Friend

CHARLES R.

Declaration—Mr James Granger Minister at Kinneff concerning the Honours.

Being informed that *George Ogilvie* of *Barras* hath his Son at *London*, giving out that his Father was the only preserver of the Honours of *Scotland*, when they were in hazard to be taken, and that they were in his Custody ever since, tho others have been more instrumental than he ; I thought good therefore to declare the Truth, viz. That in *August* 1651, by the Countess *Marishal* the Honours were delivered to *George Ogilvie* with Charge to him to secure Them ; and he keeping them in *Dunnotyr* till there was no probability of longer maintaining the Castle, he employed me, having sufficient assurance of my Loyalty to His Majesty, and fidelity in promise

keeping, to carry the Honours out of the House, and secure them: And to prevent Suspicion I sent my Wife who brought them forth without being discovered by the Enemy, tho rancountred by them in the way; This was in the beginning of March 1652; And so having engaged that with all conveniency I should go and acquaint the Countess *Marishal* therewith: In the end of *March* I went and informed her of the whole Procedure, which she approved of and was satisfied that they should remain in my keeping, taking also my Ticket of having them, expressing the particular place where they were secured; So that I have kepted them according to her desire till this present *October* 1660, the eight day of which at my Ladies Command, and according to the Order she had received from his Majesty, for that effect in *Dunnotyr* Castle, I delivered them to the Earl *Marishal*, before these Witnesses the Viscount of *Arbuthnot*, the Sherff-deput of the *Mcarns* and several other Gentlemen, whereupon I required a Ticket of Receipt but was deferred till afterward, since which time I am informed that *George Ogilvie* has obtained from the Earl *Marishal* a Receipt, and sent either it or the double of it to *London* to be produced by his Son, as if the Honours had been in his Custody, and by him preserv'd, altho' it be well known to his Son that I had them in my house a keeping ever since the first delivery of them to me. But indeed the prime mean of their safety was the declaring them to be carryed off the Kingdom by the Earl *Marishal's* Brother *John* (which he owned) for as it stopt the Enemy from searching for them, so it freed *George Ogilvie* from Prison and further Trial. In witness of the Truth, I have written and subscribed their presents with my hand the nineteenth of October 1660 years

Sic Subscribitur M^r J. GRANGER

Letter Minister of Kinneff to the Countess Marishal.

KINNEFF 12 Nov^r 1660.

MADAM,

I could not of duty omit to write to your Ladyship at this time, for *Barrass* is now offering at high things, namely to improve against your Ladyship, has written to his Majesty anent the Honours, I do not write by Information, but he told me it out of his own Mouth ; I shall not now insist on Particulars, but for preventing any inconveniency I will write in general, for he thought to have drawn me on to concur in the Plot, for he feared without me he would not get any things gone about rightly ; But I have given up all dealing with him in that kind. His son is in *London* and has written to him that my Lord *Ogilvie* has gone with him to his Majesty, And has declared that his Father did preserve the Honours, and offered that notwithstanding all your Ladyship had written to his Majesty, that they were yet in his Fathers hands, and has good hopes as he has written to his Father of great things : And if the Honors be not delivered that neither any Lord nor Lady in the Kingdom, should have them till he advertised him again ; even albeit they had a Commission from his Majesty, but since that was not now to be helped, he told me what course he should take for it, namely that he would shew a Ticket of Receipt subscribed by the Earl *Marishal* that he had received the Honours from him ; I enquired where he had that and when he had gotten it, seing I delivered them, and he refused to give me a Ticket of Receipt, O said he I got it the Night before by my Lord *Arbuthnets* moyen : Truly I thought it very strange, now I did refuse to concur with him till I heard all ; and then I told him I would not be deceived any more

with him, and your Ladyship remembers I did ever fear he would easily wind himself in my Lord *Marishals* favour. Your Ladyship may make the best use hereof your Ladyship can, for *Barrass* is very busie to post away his Letters to his Son, for he told me he was presently going to *Newgrange* to dispatch his Letters in haste, I continue

Madam

Your Ladieships humble Servant in the best service

Sic Subscribitur Mr J. Granger

P.S. *Madam*, It is easie to improve him, both that it was I that delivered the Honours and at your Ladyships Direction, and likeways that his Discharge was written the day before they were delivered, I hope to see your Ladyship next week God-willing.

*The Earl of Middleton's Letter to the Countess
Marischal.*

LONDON 15. November 1660.

MADAM

I most humbly in the first place crave your Ladiship pardon, for not returning particular answers to your Letters; Your Son my noble Friend when he was in this place, did save me the labour, and really *Madam* I cannot one day be Master of an hour of time: I am both sorry and ashamed that so litle a person as Mr *Ogilvie* should have put your Ladiship to so much trouble, and I am struck with Amazement to think that my Lord *Marischal* should in the least countenance him; I shall not be wanting to put a stop to his Pretentions, and serve you with as much faithfulness and zeal as any Servant you have: And really it has ever been my Ambition to be accounted among the number of

your Servants, and I hope all my Actions shall express that I am.

*Madam. Your Ladiships most faithfull obedient
humble Servant* MIDLETON.

LXXVI

[Print]

Answers for Sir William Ogilvie of Baras to the Complaint raised against him by the Earl of Kintore, with concurrence of Her Majesty's Advocate.

Sir *George Ogilvie* of *Baras*, Descended of the Family of *Airly*, was in anno 1651 made Deputy-Governour of *Dunoter*, where the *Honours*, Namely Crown, Scepter and Sword, were depositate for Safety. But the *English* prevailing, so as this was the only Fort which did hold out: Sir *George* contrived the ensuring of the *Honours* in this manner.

Having communicated his Anxiety to his Lady (who was a Daughter of the Earl of *Angus's* Brother) she causes convoy them in a Pack of Tow out of the Castle to the Kirk of *Kinnef*: where, by Assistance of Mr *Granger* the Minister, they were Buried: And from time to time cured against spoiling. But all without Sir *George's* knowledge of the place: Lest Torture might extort the discovering of it. For, the Castle, destitute of Men and Amunition: being Surrendered on Honourable Terms: One of the Articles was, That Sir *George* should deliver up the *Honours* or give a Rational account of them. But, on his declaring that he knew not where they were, his Lady having taken them away: And thereupon, she being threatened with Torture, for evading thereof said, that she had delivered them to *John Keith* (now Earl of *Kintore*) for carrying them Abroad to the King, Which the *English*

distrusting, they were both committed closs Prisoners for about a Year, till released a little on Bail of 2000 *lib. sterling*, and the restraint was continued till the Lady died, and the King returned.

In *Anno* 1660, Sir *George* (to whom his Lady before Expiring had *told the secret*) "sends his Son Sir *William Ogilvie*, the Defender, to Court, who presents a Petition to the King, Representing That his Father had preserved the *Honours* with the hazard of his life, and under Imprisonment, which occasioned the Death of his Wife: And seeing he could not desert that great Charge of caring for them, had sent to know His Majesty's Pleasure &c. Whereupon the King ordered them *to be delivered to the Earl Marischall on his Receipt.*"

And accordingly the Earl grants a *Receipt* to Sir *George*, which acknowledges, *That they were at first intrusted to him*, which Truth is further evidenced, by the *Chancellors Letter* to Sir *George*, while the Castle stood out, about delivering them to *Balcarras*: The Narrative of *General Deans* Order about his Commitment, and Liberation upon Bail: Some *Letters by the Minister* to Sir *George* after the Restoration: and the Ministers delivering the *Scepter* to him, and *accepting a Discharge* from him: Together with a *Letter from the King* himself while at *Paris*, and another from *Middleton*: Besides several other evidences in Write, particularly the *Kings Narrative* to Sir *Georges* Charter changing the holding of his Lands and *his Coat of Arms* from the Lyon Court, bearing a *Lyon* Crowned with an Imperial Crown, holding in his *dexter* Paw a *Sword*, with a *Thistle* in the *Dexter* chief &c. With this Moto on an Escroll, *Praeclarum Regi & Regno Servitium* &c.

Tho such an Honourable Merit might have been

expected to have been the Reaper of its *own Reward*: Yet that was disappointed: And Sir *William* after his Fathers decease *sat still*, till of late, the Earl of *Kintore* sent an account of his Family to Mr *Nisbet*, (who is Writing a Book of *Heranldry*) wherein his Lordship not only ascribes to himself the *Sole Preservation* of the *Honours*, But likewise throws several Dishonourable *Reflections* upon Sir *George's* Memory, besides the takeing from him the *Glory* of his Fidelity, and his Noble Service to his King and Countrey. About which Juncture of Time it was likewise Reported, *That* the like Narrative was sent to be insert in *Morerie's Dictionary*.

Whence it is manifest, that *any Relation* Sir *William* might have given of the State of the Case, resolved into a *proper Self-Defence* of his Fathers Memory, and of the only Reward that was left him, namely the Honour of his Family; and that by no more than telling the Truth of a *History*, in so far as it did appear by Adminicles in Write: And even this *no sooner*, than *after* he was *attaqued*, as aforesaid.

Notwithstanding whereof, the Earl is pleased to raise a Council Complaint, alledging (with many Cruel words) That the Defender, in a late Pamphlet, hath *be-lyed* the Pursuers Patents &c. And Concluding *Recantation* and *other Punishments*.

To which it is answered in the *General*, That as the Defender had always a just Veneration for the Family of *Marischall*: So he *never designed Injury* to the Earl of *Kintore*: And as he is not bound to *know the contents* of Narratives in his Lordships Patents: So he never advanced any more than the Purport of Authentick Writes extant to be produced: and whereof an Inventar is hereto annexed; The general Contents whereof are *Compendized* in the Defenders Chartor,

and Coat Armorial, above Narrated, whence there can never a Crime be inferred from *telling a Truth*, especially, when it is *not told, without necessity*: but for making out a most *natural* and *lawful Self-Defence*, which takes off all *animus injurandi*, and purges the Presumption of *Offending*.

In Particular (the Complaint being holden as represented) It is Answered to the several Members thereof as follows. (Denying always the Lybel, and Qualifications thereof as Lybelled) *j mo.* There needs no notice to be taken of the Assertion, That Sir *George* was brought up as a Servant about the Earl of *Marischal's* Family. For (tho that could be no Reproach) Its known how he was a very well born *Gentleman*, Descended by his Father from the Earl of *Airly*, and his Lady Descended from the House of *Angus*: And as the Earl *Marischalls* first Commission to Sir *George* for his being a Cornet designed him of *Pitdovie*: So the Second Commission for Governour of *Dunnotter*, designs him of *Barras*, besides many Letters from the Earl, which do him the Honour to bear several Expressions of great *Intimacy* and *Respect*.

2 do. As to the *Main Part* of the Lybel it self, The same is not Relevant, because the Defender never did any thing with Intention of Defaming the Complainer: And what is necessary for his own self Defence, either in Honour or Interest can never found a Delinquence.

And as to the *particular Qualifications* thereof.

It is plain, That Sir *George* had the *keeping* of the *Honours*, by the Earl of *Marischal's* own Receipt acknowledging the same, and the other Evidences above-represented: And it neither is nor can be proven, That the Complainers Mother either had the *Key* of the Place in which they were lodged or *contrived* the carrying off thereof.

Nor is the Defender concerned, what Merits the Complainer may claim, or are contained in his Patents : For as the Defender tells only the Truth in his *own Vindication* and in the *Defence* of his Fathers Memory : So he was not obliged to know, nor has he as yet seen, what *Narratives* are in the Complainers Patents. Whence there can be no Crime upon that Head.

Tho' Sir *George*, or his Lady, did assert, That the *Honours* were carried abroad by the Complainer, for *Avoiding* the Cruelties threatened by the *English* against them : Yet, *ex obedientia facti*, the *Honours* were never carried out of *Scotland* : But on the contrary, kept by Mr *Granger* in *Trust*, first from Sir *George* his Lady, and thereafter from himself which is manifest by the Adminicles above-mentioned. And this sufficiently clears, That whatever followed upon *that supposition*, which was no more than a *Color quaesitus* does noways prejudice the Defender in the present Case.

The Defender is as little touched, by the Kings conferring *Favours* on the Earl of *Marischal* or the Complainer : For all *that* is consistant with Sir *George Ogileys Personal Fidelity*, astructed beyond Contradiction in manner above-set-down.

And as to the other Insinuations of the Lybel, That Sir *George* gave up the Castle upon mean Conditions, and that the Defender has Villanously traduced the Complainer's Honour and Merit &c. Its Answered, That as the first of these does not concern the present Case ; so its most certain, That Sir *George* was the last in *Scotland*, that kepted up armes for the King at that time. And as to the Second, the Complainers Merits and Honours are *consistent* with Sir *George's* : And its a Rule both in Law and Nature, that what *Truth* the Defender tells *ob propriam tutelam, id jure fecisse existimetur*.

Tho' the Defenders Procurators do thus far *informative* represent *a part* of his Case : yet its humbly hoped, That Her Majesties High Commissioner, and the Lords of Council, being so far satisfied, both of the *Import* and *Grounds* of the *Cause*, will not sustain any Process against him, since he has a Testificate upon Soul and Conscience, that he is not able to Travel, until he be able to come up for making his *full Defence* : For, by the inviolable Constitution of the Forms of Council, there can be no Precedure against a Party, whose *Essoinzie* is relevantly made.

In respect whereof &c

LXXVII

[Print]

Petition—David Ogilvy to the Privy Council.

Unto the Right Honourable The Lord High Chancellor, and Remanent Lords of Her Majestys most Honourable Privy Council.

The Petition of David Ogilvie Younger of Barras :
Humbly sheweth,

That in the Council Complaint at the instance of the Earl of *Kintore* against your Petitioner, there is Probation led before the Committee, which (as its Inform'd) the Earl is to press to be summarly Advised this Afternoon.

By shortness of time, and your Petitioner not getting doubles of the Depositions, I am rendered incapable to Inform fully thereanent, and can only represent what is remembered : But that same will (its humbly and confidently hoped) be sufficient to Assoilzie me from the Libel, as to any effect whatsoever.

It is therefore with all Submission represented.

jmo. That there are not Two concurring Witnesses, to any one Syllable of the Libel, that could in the least be Relevant against your Petitioner.

For it was never heard and its impossible to be found, that it could make a Probation when one Witness Depones upon one time, or Fact or Word, and an other Witness Depones upon an other occasion an other Deed and an other Expression : Seeing in this case they are not *Contestes*, whereby their joint Faith might establish the same Truth. And its a principle in all Law, both Divine and Humane, that no matter can be established, except out of the mouth of Two or Three Witnesses, that the Extrajudicial Confession, cannot prove, much less be proven by Witnesses, and no Two Witnesses concur even to this.

2 do. As it is thus, *Quoad* the Probation, so in Relevancy the following principles cannot be denied.

In the first place, your Petitioners Registrating for Conservation, any Writes not unlawful in themselves, which I got from my Father for that end, can never infer any delict.

In the next place, It is equally certain, That tho your Petitioner had had a Copie of this Pamphlet after the Dependence of this Process, and shown the same to my Managers, in order to consider this : and my Father's Defence, it can be no Crime : For we could not answer it, till we knew it : yea the Pursuer was bound to give us a Copie for this end.

In the third place, If the having or lending to an other of a Print, which happens to contain things unlawful, should be Criminal upon him, who is not proven either to have compiled it, or caused Print it, it would be of the most dangerous consequence, that ever any Decision was in the Nation : but even this is not proven against me.

In the Fourth place, Any Expressions which may fall from a Partie, when he is in an extream concern as they are to be interpreted in the most Benign Sense: so his own Explication of them is always received de recentis, for Exculpating the same from a Delinquence. And your Petitioner humbly craves leave to explain himself as to what he spoke before your Lordships in Council, his meaning being allennarly, that he intented no injury to the Earl of *Kintore* or any thing Dishonourable to the Family of *Marischall*.

Its most certain, That neither Advocate nor Writer is bound to Depone upon what is privately told them by their Client; otherwise it would be the most pernicious precedent, and hereafter there should be no Trust.

Wherefore your Petitioner humbly craves to be Assoiled.

LXXVIII

*John Gentleman "To David Steiven att Catterlen."*¹

FETTERCAIRNE August 5, 1702

SIR

Yours I received yesternight and in ansuer theire to, be pleased to knoue that uhatever I said to you concerning the preservation off the honours is

¹ John Gentleman, who in the following letter so belies his name, was schoolmaster at Fettercairn, having been admitted to that office prior to 1701. A man of Jacobite proclivities, he got into trouble in the '15, and, summoned to answer for his conduct before the Presbytery at Ecclesgreig, on 16th April, 1716, pled guilty to having read certain treasonable papers in the Parish Church. Interrogated further as to the discharge of his professional duties, he admitted having engaged a young man to conduct his school, thereby leaving himself free to act as factor to John Ogilvie of Balbegno and to keep a "chaing" or public-house. He was accordingly deposed: but his name appears as Clerk to the Heritors and Kirk Session of Fettercairn

verrie weell knouen and can be sufficiently proven by letters both under the Earle off Marischall and my Lady Marischall his mother their hands, directed to my wifes grand father and grand mother and by these letters itt will evidently appeare that the Earle off Kintors name was only borrowed to that affaire And they also declare uho were the preservers of the honours and uhat methods were taken in preserving the samen Butt as to your desiring me formalie to give itt under my hand uhat passed betuixt my La : Marischall and my wifes grand father, is that uich I am not resolved to doe seeing itt may bring me upon a lock and doe Barras no good itt is butt a dark kinde off a remembring anything I heard that way and theirefor I can not be verrie positive in rehearsing itt againe Houever iff Barras thinks that he may have any good by seeing these letters I belive my wife and her sister may lett him see them if he will pay sufficiently for the sight off them this with my humble dutie to Barras and your self is all att pñt from

JO: GENTLEMAN

LXXIX

James, fourth Duke of Hamilton to Sir William Ogilvy.

KENEILL Agust 17, 1702

Good Barras, I am sory I had it not in my pour to be more assisting to your son in the persutt that was against him by the Earle of Kintore in which I think he meet with verie heard measure. Yow may .belive if it had been at ane other tyme yow would not have

as late as 1737.—“Fordoun Presbytery Records”: Cameron’s “History of Fettercairn,” p. 216.

David Steven, tenant at Caterline, is mentioned as one of the Jury at a Fiars Court held in 1702.—Kincardine Sheriff Court Records, “List of Fiars Jurors.”

been soe much rune down but yow know ther are few of my freinds at present concerned in the Government however I hope yo^r son auquainted yow that he had my best wishes & shall have my assistance whenever I have ane opportunity of expressing it to your Families advantage At this tyme I make noe dout everie bodie is making intrest for ther freinds being electted members of parleament at the Michalmes head court & therfor I cant but concern myself as far as good wishes for my freind Sir Thomas Burnett¹ who has given good proof of his zeall and affection for the Intrest of his Countrie So I hope you'l give him all the assistance yow can & gett your freinds to doe the saime & farther yow may advertise your son that he may be present as weel as your self which will verie much oblige your most affectionat freind & kinsman

HAMILTON.

LXXX

W. Ogilvy "ffor David Ogilvie younger off Barras to be left att Darlings Scotts coffie house near charing cross, London."

EDR Sept^r 5, 1702

L. B.

My anxiety to know if you be in health and how matters have or are like to succeed w^t you (since your arrival att London) necessitates me to trouble you w^t this second. Our parents are so far as I can learn by missives in y^r ordinary only a little dismay'd you

¹Sir Thomas Burnett, third Baronet of Leys, represented Kincardineshire in the Scottish Parliament throughout the reigns of William and Anne (1689-1707). During the former reign he had as colleague Alexander Arbuthnott of Knox, and later, Sir Alexander Bannerman. In February, 1707, Sir Thomas was elected a member of the Parliament of Great Britain, but does not appear to have taken his seat.—New Spalding Club, "Family of Burnett of Leys," pp. 79, 81.

should have been oblidg'd to have mad this unlook'd for journey : but all of us are hopefull you may have no cause to repent and I pray God may grant you in all your undertakings his blessing, and putt your trust and confidence in him, so you need not be affraid q^t man can doe unto you. Our adversary has done y^e utmost he can att pñt : we have been endeavouring to gett y^e charge ey^r suspended or a sist upon y^e bill but not one of y^e Lds to q^m it has yet been presented will by no intreatie medle y^{re}wt. Wherefor we must have patience and submit to fortune for there's noe striving ag^t y^e stream. Our fay^r writes me y^t y^e Shireff Clerk of Kincardin ¹ and he are again in good termes, he has answered your bill and will be ready qⁿ drawn upon to answer more. He very much simpathizes w^t your condition and on all occasions, is your good friend and well wisher w^t q^{ch} news I'm exceedingly pleas'd, it wou'd have been very hard if all our neighbours had, in such a time of adversity, turn'd back upon us : but God Almighty is all sufficient to those who fears him and keeps his commandements. Q^{ch} y^t all of us may doe is y^e earnest prayer off

Yor affect broy^r

W OGILVIE

I have herein sent ane from your fay^r he desires you'll let him know if you have mett w^t S^r Peter Fraser ² y^e Lady of Falside ³ Mr. Andrew Burnett ⁴ and if these

¹ Mr. James Irvine was appointed Sheriff Clerk of Kincardineshire in 1698, but was subsequently deprived of office owing to his attitude in the '15.

² Son of Sir Alexander Fraser of Durris, *q.v. supra*, p. 157.

³ Mr. John Naper of Falside married (proclamation of banns, 9th March, 1673), Mrs. Isabell Irvine in Banchory, who is presumably the lady here referred to—"Kinneff Parish Register." Naper's will was proved at St. Andrews, 23rd May, 1718.

⁴ Mr. Andrew Burnett was appointed one of the ministers at St.

your friends ar any ways for your interest but bids you take notice q^m you informe of your procedoure for many are not to be trusted our adversary being at pñt of great power and therefor they fear him and are ready to lett him know y^t they may have his kindness and assistance in y^r concerns. Some says here y^t y^e Duke of Hamilton is on his journey to London but y^e certainty I have not as yett, All friends here do kindly remember you. Give my service to Mr Henry and tell him y^t Kate is weil and I am visiting her as frequentlie as conveniency can allow. I shall not be wanting one all occasions to notice your bussiness here

VALE

Its not my fault this lře has not com'd under cover of M^{rs} Burnets for I cou'd not meet w^t her and this behoov'd to be despatch'd

LXXXI

"Earl Marischall to Sir William Ogilvie."

Inverugie Sept. 14

1702

SIR

our Familly have allwais had you our freind and noe thing can show it me more yⁿ that you^{ll} hartyly concure for the choising such men to represent our shire as are of such good principells y^t gried will not byase nor Threats frighton from there deuty. I recon Sr

Nicholas, Aberdeen, in 1687. After the Revolution Settlement in 1689 he refused to conform, and proving troublesome was deposed, 1st July, 1695. In defiance of the Act of Deposition he continued for some time "to convene Congregations of people and to preach and exercise other parts of the Ministerial function" within the City. Mr. Burnett married Margaret, younger daughter of Alexander, second Baronet of Leys, and widow of Alexander Burnett of Monboddo. —New Spalding Club, "Family of Burnett of Leys," p. 77.

Thomas Burnett and Sir Alex^r Bannerman to deserve y^t character and I dare ansuer for it so for the weall you wish y^r Contry and the freindship I expect from you Im persuaded you will be for y^m. Im sory to hear you have bein ill for some tyme I have a sedane is att y^r service the way is short and a litle of the air may I hope doe you good so make noe dout of seing you att our head Court which [will] wery singularly oblidge Sir,

Y^r affectionatt and humble servant

Sr William Ogillvie

MARISCHALL

LXXXII

William Ogilvy "To David Ogilvie Yor of Barras to be left att Darlings Coffee house near charing cross London."

ED^R Dec^r 10th, 1702

L. B :

I had one from our father lately q^{re}in he desir'd me to acquaint you not to send any more money to our broy^r Charles : but I think it wou'd be hard to lett him want q^{re}w^t to supply himself w^t linens and oyr things needfull tho he gett not to spend riotously : Our fay^r was oblidge'd to borrow money for pay^t of your last bill : the shireff Clerk it seems does not advance y^e m^õe only is assisting to our fay^r in delivering of y^e same and procureing receipts q^{ch} he himself cou'd not well doe w^tout Mr Irwins help. You are desir'd if possible to procure some settlement for our broy^r James ag^t Candlemass next and endeavour to make moyan w^t y^e Duke to gett him aboard ane of his broy^{rs}¹ ship. Know

¹ Lord Archibald Hamilton of Riccarton and Pardovan, youngest brother of James, fourth Duke of Hamilton, served as an officer in the Royal Navy, where he had a distinguished career.—"The Scots Peerage," Vol. IV, p. 382.

y^t Kintore is under hand causing our shireff deputt¹ require pay^t of y^e fine fra our fay^r and says he'll free you from imprisonment and y^e rest of it: Also Mr Andrew Honyman² was sent by Allardes to our fay^r for y^e same purpose: but our fay^r told y^m he wou'd doe nothing rashly w^tout advice and said if Kintore wou'd come to ane friendly agreement (q^{ch} he thought he my^t be glad to doe seeing our cause was just and he had noe ground but meerily to oppress us tho we hop'd to have time about) he shou'd consider on it. Our fay^r desires to know your mind hereanent and q^t he shall doe in y^e matter. If you shall fall upon a way to settle our broyr^r acquaint us qⁿ he shall be order'd to you and q^t m^{oe} will be necessary for our fay^r to provide to send w^t him for he has ill getting or spareing m^{oe} att p^{nt} and hates to be continually borrowing as he has frequently done since your departure hence. I expect (q^{ch} I exceedingly long for) to hear from you together w^t your news And in hast am

Yor Affect
broyr^r
W. O :

LXXXIII

Sir William Ogilvy to William Ogilvy, his son.

Febr ye ij
1703

LOVING SONNE

Receive from y^e post 10 lib star: & 10 shillings in this bagge v^{ch} answers y^e contants of yor brothers bill so you have no more to doe but only tell

¹ James Keith of Auquhorsk.

² Mr. Andrew Honyman succeeded his father as minister of Kinneff, 24th September, 1701. He married Margaret, daughter of Mr. John Rait of Finlayston, and died 30th December, 1732.—Scott's "Fasti."

y^e money to Gordon & Brown & cause y^m wryte on y^e end of y^e bill received y^e contents of y^e bill & subscribe Gordon & Brown I mean both subscribe y^e samen & delyer y^e bill to you v^{ch} you may send to me after it is payed & given up to you. & let me know give you have got my l^re from Sr Tho : Burnet & give you have sent my l^re v^t q^t Leyes gives, also yo^r brother & you vould let me know q^t answer you get from Vesthall¹ q^t order varrant or protection yo^r brother must have to secure his person from caption to attend y^e parliament & debait his cause in it but he must have securitie for his person at least for 3 moneths space & you vould acquaint yo^r brother v^t q^t Vesthall orders to be obtained y^ranent & desyre yo^r brother to consult y^e D: of Hamilton y^t if y^e D: of Queensberry have such ane sway at Court & be so sure ane freind to Kintor give y^e D: of Hamilton thinks y^t yo^r brother vill get anything dooin in parliament or vill attempt y^e dooin of any thing as too ane temperat debait of y^t grand affaire & to let it be then fully discussed & seen vho were y^e reall & only preservers & make ane finall ending of it in face of parliament never y^rafter to be heard any more before any judiccatur And if yo^r brother get nothing dooin at Court y^e D: of H: vill let him know give he may make tryall before y^e parliament or give y^e D: of Queensberry vill have ane sway there also & oppose yo^r brother y^t he get nothing in parliament either & so if y^t be yo^r brother must pay y^e fyn & lose y^e action for ever both honour & reward but if y^e D: of H: can get nothing dooin at Court & give yo^r brother assurance to get ane hearing in parliament yⁿ yo^r brother may be drawing up ane exact lybell at spare houres as you may tell him, and let him consider y^e

¹ Mr. John Guthrie of Westhall, Advocate, whose daughter, Anna, became the third wife of Sir David Ogilvy.—*v. Pedigree.*

Chancellour Lowdoun his lre to his Grandfather & all ye Comittee of Estates yt neither of ym vryts to ye Countesse of Maris : nor owne her in having to doe w^t ye honours in ye least but only yo^r Grandfather both having ye trust and custody & desyres yt he vill vt all care & faithfullnesse secure ym being they ver intrusted to him as he vill be accountable So yt he vas ye only person lookt on as he vho had both trust and custody & of q^m only they vould be required & if they should have been lost you may cause him advert yt his grandfather vould only have suffered for ym for ye Countesse of Maris : never concerned herselfe vt ym during ye English abode in Scotland & my fathers imprisonment nor ever vould have concerned herselfe if these honours had bein lost but since my parents preserved ym she endeavoured vt Mr Granger to vse all meanes to cheat my father and make yt she had bein ye preserver of ym & none else v^{ch} vas ane rare invention & fallacie as vas ever heard of but my father taking up ye scepter spoilt yt game & ye Countesse of Maris : never knew where they vere or to q^m intrusted or by q^m till my father revealed it to her v^{ch} vas after my mothers death for my father knew not himselfe till my mother on her death bed revealed it to her husband v^{ch} vould have bein ane year & ane quarter after that they vere intrusted by my mother to Mr Grangers vyfe ¹ You vould acquaint yo^r brother vt all this yt he may draw up ane exact & probative lybell & if he notice this & qt I have vritten in ye last lre v^{ch} you are sending away to him he hes as much as may prove yt his Grandfather & G: mother vere ye only preservers & neither K: nor ye C: his mother had any hand in ye preservation of ym & vill refute all he can prepare to ye contraire if he get ane

¹ Sir William's mind must have been sadly failing. Elizabeth Douglas survived the siege of Dunnottar nearly four years.

fair audience & Justice & I vould have him to take Vesthall if he vill undertake it precisly for ane & his cousin Mr Jo: Ogiluy¹ for another & any other Vesthall and Mr Jo: thought fitt to assist y^m

but yo^r brother vould take good heed y^t they insist only on proving the tride matter of fact & prove y^t by y^e Ele Maris: receit y^e Comittee of Estates order & y^e Chancellors lre & advyse & order y^rin contained & keepe this lre till y^e parliament sitt & you vill get insight y^rin to frame y^e lybell & give yo^r brother ane accompt of all this in y^e letter you wryte presently to him y^t he may considar of y^e circumstances y^rof & make vse of y^m as he sees they vill tend to y^e clearing vp y^t Grand affair & proving y^e substantiall parts of it yo^r mother & I haue ane excessive chough & cold vch has taken away both our health & stomack at present & there vere never any had ane more dangerous cought and stopping at y^e breast yⁿ ve have besyds y^e great griefe of y^e losse of yo^r brother James & his corps never secured as yet & I have ane servant at A^bd searching every day & travelling to see give y^e corps can be found but I marvell y^t yo^r brother seeing y^e Seamen tying y^m selves to parts of y^e ship vas on y^e deck & never offered to ryse & tye himselfe but lay still on y^e deck till he died y^r & vas vashen over board but I think he hes got ane knock on y^e head some vay & been damneasht & so had no capacity nor strength to act for himselfe & y^e skipper for all his being his kinsman & professing great care & kindnesse yet vas carelesse of him at last for y^e skipper tyed himselfe & vas carried home qⁿ y^e storm calmed but is vell enough again so y^t yo^r brother hes never bein noticed & carelesly lost but we most submit to providence for it hes bein determined for him & vs both by secrets known to Almighty God Lord grant

¹ Mr. John Ogilvy of Balbegno, son of George Ogilvy of Lunan.

vs patience & submission to his holy vill in this & every thing else. but truly you vill acquaint yo^r brother to clear his businesse at Court or parliament & return home & looke to our affaires & I may wrestle on till about ye parliament & give he gett any thing dooin yⁿ it is good if not he must return for I have dooin over power already & most give it over if so I gett not assistance after ye parliament is over for I vatch all night and for ye most part is about sunnsetting y^t I ryse & so many of my affaires are mistymed & doe miscarry. I have sold my victuall to provest Stephen in Arbroath & the pryce meal over head v^{ch} is more yⁿ any here hes gott You may acquaint yo^r brother v^t all I have vritt & desyre him if possible to get ane good match & make it his only businesse for I assure him he vill nead to doe it for ve have gott ane great stroake of late from ane opposite if ve get no reparation & I see litle appearance or hopes of it & so he needs ane match v^t meanes to helpe our losses. Expecting to heare from you and have ane full accompt y^t ye have obeyed this lre & ye former to Leyes & yo^r brother & Vesthall solution of ane protection

I am
Yo^r loving father
S^R W OGILUY of Barras

LXXXIV

Sir William Ogilvy "For Mr William Ogilvy Student of law to be found at David Hae his house in Borthicks Close over against ye Crosse on ye south side of ye Streete."

MARCH ye 19

1703

LOVING SONNE

I have bein under a great indisposition of body having endured ane extreme cough & cold and

now have bein taken ill of ane flux & severall other pains & have kept my bed these ten days but blessed be God I am in some vay of recovery but slowly & altogether extenuat & weake but let not this trouble you for you most keepe yo^r post till yo^r brother return othervayes it vould ruine him & all our family but you vill vryte v^t y^e tuesdays London post & acquaint yo^r brother y^t if I mend not shortly I vill never goe out of my own doores again so y^t he vill resolve to return God villing be the last of May tho he get nothing dooin & y^t ve pay y^e fyne You may tell him y^t if he gett his affaيرة dooin at Court it is good if not & y^t he intends to come to y^e parliament & debait it there if y^e Countrey partie be strongest yⁿ he vill devyse how he may come down v^t safetie to act his affaيرة at parliament & I see no vay unlesse he procure ane protection for 3 moneths upon pretence of some persons vho have taken advantage at law against him y^t he may setle v^t them or some such thing but if he get not this protection yⁿ it vill be nearest y^e last of May before I can pay y^e fyne & so y^e parliament may be up but if he can not get any thing dooin at Court if he vere at parliament he might either debait his cause or make ane friendly agreement by mediation of Pitmowies & y^e tutor of Innercarittie¹ his uncle & Forglen² vho vould medeatt & deale vt Kintor

¹George Ogilvy of Lunan, fourth son of Sir John Ogilvy of Innerquharity, and brother of Isobel, third wife of Sir William Ogilvy of Barras.—Douglas' "Baronage," p. 51.

²Sir Alexander Ogilvy of Forglen, Advocate, second son of George, second Lord Banff, by Agnes, daughter of Alexander, first Lord Halkerton, was created a baronet, 24th June, 1701, and a Lord of Session under the style of Lord Forglen, 23d July, 1706. He married (1) Mary, daughter of Sir John Allardice of that ilk, (2) Mary, widow of Sir Francis Kinloch of Gilmerton, and daughter of David, first Lord Newark. He died 26th March, 1727.—G. E. C. "Complete Baronetage," Vol. IV, p. 398.

Alvayes You vill tell him y^t he most thinke upon his return shortly and let me know qⁿ & v^hither by ane place v^t others in ane hakney coach or [what] journey he mynde to take & let him draw ane bill for his expences in down coming and if he draw ane bill for some litle money before he comes down you most accept of it tho' I have only some little remainder of borrowed money if ever he debait his cause v^t Kintor before parliament or Councell let him take Vesthall precisly for one & M^r Jo: Ogiluy for another & on q^m they vill choose but not one of yo^r pryme advocats for they are all cheats but only tuo or 3 honest plain men for there is nothing of difficultie but all matters of fact M^r Jo: Ogiluy vould seeke nothing & I vould at least give to Vesthall & the other he choosed 5 Guinies a peece at least & promise of more if they gained y^e action as I thinke v^t ease they may prove y^t my father & mo: vere ye only actors sufferers and preservers of y^e honours & y^t neither K: nor his mother had any hand in y^t great service this they might easily whether they gett Justice or not for my father had y^e only trust of y^e Castle & trust & custody of y^e honours from y^e deceast W^m E: M: & y^e deceast Count: Kintors mother had neither of y^m And my father wes never under her comand to delyver y^e honours to M^r Granger or any she designed to give y^m to but my mother having y^e custody of y^m sent for M^r Grangers vyfe being y^e Ministers vyfe in y^e parish she lived in & frequently conversing v^t her & having many affaires v^t other she had experience of her fidelitie & they tuo together in y^e Castle devysed how they should be secured & packed y^m up & none v^t y^m but themselves tuo & tho' the Countesse of Maris: hed hed the Custody of the honours all alongest she sould never have intrusted y^m to M^r Granger or his vyfe for qⁿ my mother intrusted y^m to M^r Grangers vyfe I

dought y^e old Countesse was at tym acquaint v^t Mr Granger or ever had seen or spoken v^t his vyfe so y^t all is but fallacie & fraud K alleadges in y^t & during y^e tym my parents vere in prison y^e Countesse never owned y^m but left y^m either to delyver up y^e honours or preserve y^m So if they hed bein either terrified v^t tortures or brybed v^t money they might have given or sold y^m at y^r pleasure for any care y^e Countesse tooke but qⁿ y^e K: was comming to be restored she found y^e vay to be vell acquaint v^t Mr Granger & she & he hed yⁿ an under hand dealing & he thought falsly to have betrayed his trust to my father & gave y^e Count: many receits & l^res & declarations to make it appear y^t she hed preserved y^e ho: upon hopes of great revard from the Countesse or y^t she vold procure it him at Court but my father prevented y^e falacie for he getting notice he vent & challenged Mr Granger y^t he wes not dealing fair but mynded to betray his trust & give y^m to y^e old Countesse v^{ch} he positively denyed & my father desyred to give him y^e Scepter & ane oblishment to make y^e other tuo forthcoming to him upon demand v^{ch} he did So y^t all y^t y^e Count: & Mr Granger did was but fraud & may be easily refuted my father was so farre from being commanded by y^e Countesse to give her y^e honours that he vold not grant to give them to Balcarras upon order from y^e Committie of estates & K: alleadges he gave my father Counsell not to give y^m to Balcarras v^{ch} vold be positively denyed for he had more prudence & experience yⁿ ane youth & he denyed to follow y^e Chancellours advyse to send y^m to y^e highlands for feare they had bein lost for he having the trust of y^m vold still have been punished if they had been lost so y^t he tooke his own method & secured y^m w^t great losse & danger to him & his vyfe & expected his reward v^{ch} K: w^t Midltoun & Lawderdails moyen w^t y^e king de-

frauded him of. Alvayes to cleare all y^e answer of my petition v^{ch} vas ane order to my father to delyver y^m to y^e E Maris : & get his receit v^{ch} he did & gott v^{ch} fully proves him & his vyfe to be y^e only preservers & Kintor & his mother to have no hand. & so y^t this being dooin y^t paragraph they destroyed y^e account & y^r brothers affaire vill be cleared to be a truth & so no reflection & if there had been any it vould have bein dooin be K: & his mother taking upon y^m that they never had any hand in & so y^e blam rests on y^mselves & yo^r brothers saying y^t they misrepresented it vill be evidently proven to be trueth & yⁿ K: saying y^t his taking w^t my mothers evasion relieved y^m out of prison vas no such thing for y^e English never believed it so it was only friends mediation w^t y^e Commander in Chiefe of y^e English & Morphies being bailie¹ y^t relieved y^m out of prison I thought fitt while I am alyve to give you some information y^t if ever there be any debait before any Judicatur yo^r brother or you may know q^t to say v^{ch} w^t great difficultie being sick you may receive from

Yo^r loving father

SR W OGILUY Barras

LXXXV

"Assignatione—John Earle of Kintoir to John Ogilvie."

BE IT KEND to all men by these present letters WS JOHN EARLE OF KINTOIR ffor as much as we having given in to the Privie Counsell ane complaint against Sir William Ogilvie of Barras Knight and David Ogilvie Younger y^rof his son upon the grounds therin-mentioned Which the lords of her Maties Privie Counsell by ther decret dated the threttie day of July jai vije

¹ *Bailie* : bail.

& two years fand proven and Therfor decerned and ordained the said David Ogilvie Younger of Barras to have payed to ws the soume of twelve hundreth pounds Scotts of fyne for our damages and expenses as in the said decreet of the date forsd at more length is contained AND NOW SEEING that John Ogilvie of Pitmuir hath at the granting heirof payed and delyvered to ws the soume of twelve hundreth pounds money forsd wherof wee hold ws well content and discharges him therof renouncing all exceptiones and objections that can be proponed in the contrair THERFOR WITTE YE WS the said John Earle of Kintoir to have made constitut and ordained and be the tenor heiroff ffor ws our airs exẽrs and successors make constitut and ordaine the said John Ogilvie his airs exẽrs or assigneys our very lawfull undoubted and irrevocable cessioners assigneys and donatars *Voluti in rem suam cum dispositione libera* IN & TO the forsd soume of twelve hundreth pounds money forsd contained in the decreet above deduced and in and to the said decreet itself haill tenor and contents therof with the letters of horning captiones summonds of adjudication with the executiones & indorsations therof raisd and following yron with all that has followed or may follow on the same TURNING & TRANSFERRING the haill right of the premisses frae ws and our forsd to & in favours of the said John Ogilvie and his above written whom wee be thir presents surrogat & substitut in our full right & place therof for ever With full power to them to uptake lift and receive the sd soume of twelve hundreth pounds sute call & persew therfor decreets and sentences theron to obtaine and cause execut compt on transact & agree theranent acquittances and discharges and other rights of the premisses to grant subscribe and delyver and generally all and sundrie other things requisit and ne-

cessar to doe use and exerce anent the hail premisses that wee might have done our selves befor the granting heirof AND BINDS and oblidges ws & our foršds to warrand the above wřen assignatione good valid & effectuall from our own proper fact and deed allennerly and no farther And in regard of the foršd Decreet of Privie Counsell the said David Ogilvie was not only ordained to pay the foršd soume but also to be imprisoned untill he should pay the same or find sufficient securitie for payt yrof and longer during the Privie Counsell's pleasure and this part of the decreet being vindicata publica and not assignable effectually THERFOR wee heirby for us & our foršds renunce all title right & interest wee may have any maner of way to that part of the said decreet to and in favours of the šd John Ogilvie Assigney above written & his foršds and that we shall concurr with him either in putting the šd pairt of the dect in executione or in obtaineing ane remitt or exoneratione yrof to the Debetor the same being alwayes done by the moyn & upon the proper charges and expenses of the said John Ogilvie assigney above spëit & his foršds LIKEAS we have instantly delyvered to the šd John Ogilvy the foršd decreet horning and sm̃ds of adjudicatione following yron to be kepted and used by him at his pleasure in all tyme coming consenting to the registratione of thir presents in the books of Council & Session or oyrs competent to have the strength of ane dect that all letters and exell's of poynding and horning & oyrs needfull may pass heiron in forme as effeirs

AND CONSTITUTS our law^{ll}
 prōrs etc. In witnes wherof (written by Patrick Sandilands writer in Edinburgh) Wee have sub^t thir presents with our hand att Edinburgh the fourth day of August ane thousand seven hundreth and three years befor thir witness William Lord Inverurie our son Mr John

Ogilvie Advocat Mr William Black Advocat and the
said Patrick Sandilands

KINTORE.

INVERURIE witnes

JOHN OGILVIE witness

WM BLACK witnes

PAT: SANDILANDS witnes

LXXXVI

"Ane Account of the Process raised before the Privy Council of Scotland, a° 1702, be John Earle of Kintore against Sir William Ogilvy of Barras and his eldest Son, the present Sir David Ogilvy, And to put the same in a true and genuine light. I do fairly and candidly oppone Barras Defences to Kintore's allegations 1st. in his libell and 2dly. in his Scurrilous paper called ane Informatione. This I presume will fully satisfie and Disabuse all the unbyass'd and unprejudic'd and put a curb upon the foul mouth'd, and will let the world know how and by whom the Regalia of Scotland were keep't and preserv'd from falling into the hands of Oliver Cromwell the Usurper."

Contraria juxta se posita magis elucescunt.

1 mo. Whereas the Earle of Kintore says that every man's honour ought to be dear to him as his life, and an injury by way of defamation in point of truth and honour as concerned in the most delicate and tender matters is a most atrocious injury &c and alleadges that the s^d Sir William Ogilvy is guilty of the forsaid crime of defamation and also says that his father Sir George was bred and brought up from a low and obscure beginning by the Deceast Earle Marischall and in his family.

To all which 'tis answer'd That the said Sir William

Ogilvy his causing publish to the world a true account of the preservation of the Regalia of Scotland, viz. Crown Sword and Scepter by his father Sir George Ogilvy and Dam Elizabeth Douglass his mother, and by asserting and vindicating their loyalty and sufferings by clear process and authentick Documents which undeniably prove the truth of what is asserted, how and by whom the matter was contrived and acted. I say for the said Sir William his causing publish a true account of the preservation of the Regalia, ut supra, cannot be reckon'd Defamation or any injury against the Earle of Kintore since 'tis plain that any relation given resolves into a proper self-defence of Sir George and his lady's memory and of the only reward that was left their family, namely, the honour thereof, and that by no more than telling the truth of a history in so far as it did appear by adminicles in write which takes off all animus injuriandi and purges the presumption of offending.

And as to what is alleadg'd anent Sir George his being bred and brought up in the Earle Marischall's family 'Tis answered that the [said] Sir George Ogilvy was brought up and educat as a gentleman by his own parents and in their family and, for instance, that Sir George, his father, had then a competency to live creditably as a gentleman and did educate his only son and child accordingly he having the wodsett of Lumghair being than 9 chalders of victual from the said Earle of Kintore's father and as much money upon bank as he had upon that wodsett, and that Sir George had a fortune of his own is evident by his having a post in the military as Cornet of horse Designing him of Pitdowie (which was a piece of heritage he had than in the shire of Angus) the Commission is dated at Aberdeen, 22nd July 1640, and is yet extant, and the Earle Marischall's second Commission to the said Sir George

designs him of Barras and lieutenant governour of Dunnotor Castle. And the Earle Marischall never used the said Sir George but as a gentleman which truly he was, and the said Sir George was on all occasions, during the whole series of his life, most ready to serve the Earle Marischall and was always esteemed by him as one of his special friends and trustees. And for his prudence fidelity and integrity the said Earle was pleas'd to make use of his advice and assistance in the management of his affairs and concerns of the greatest moment, as is evident by many missive letters yet extant from the said Earle which do him the honour to bear several expressions of great intimacy and respect. For instance, I shall insert the purport of some of 'em particularly one from Kendal in England, Dated the 4th August 1648 wherein his Lop. writes to Sir George "According to my promise I will write to you with every occasion. I came yesternight to the army, the 3 instant, where I found them at Kendall: the morrow or next day we are to march to Lancashire. Our army are all in good health and heartily receav'd by the country. Lambert is lying 26 miles below us at Barnie Castle in Yorkshire also Sir Marmaduke Langdale is marcht for joining with our friends there; if once your harvest were done I hope you will be as good as your word and come and see us, when I promise you ane excellent tower and merry days be the grace of God. Remember me to all friends and to your wife father and mother." And so his Lop. concludes "Directed for his loving friend George Ogilvy of Barras." In another letter when my Lord Marischall was prisoner at London, dated the 26 November 1656, his Lop: was pleased to express himself to the said Sir George. "In the first place you might give me leave to wish you joy in your new wife and I pray God bless you both and grant she fill the

room of the other which I hope she will do for I hear she is a good woman."¹ And his Lop. after the imparting of some business adds "I hope to be thankful to all I have found kind to me and particularly to yourself and I trust in God to be merry at your fireside, till then and still, I am

Your most affectionate and
Directed, ut supra. Assured friend
Sic subscribitur MARISCHALL "

There's another letter which does farther evidence my Lord Marischall's respect to Sir George dated 23 December 1657 wherein his Lop. is pleas'd to thank Sir George for his advice in some affair and concludes, "I will expect you here at Inverugie, till then and ever I will be

Your loving friend to his
uttermost
Sic subscribitur MARISCHALL

My wife and I are your and your wifes servands and wee will drink your grand childs health the morrow."

Directed for my worthie friend George Ogilvie of Barras These.

There's another letter from the Earle Marischall to Sir George, dated at Newcastle 25 May, 1657, wherein his Lordship says in the last paragraph and close of his letter "You have already given such proofs of your respect and kyndness to me as I shall not doubt but now in this Nicke of time when my all lyes at the stake you will continue your wonted favours to me so be assured whatever shall be my condition I shall ever acknowledge myself to be

Directed ut supra. Yours &c."

¹Sir George had married as his second wife, October, 1656, Margaret, daughter of Robert Arbuthnott of Fiddes.—*v. Pedigree.*

There are other two letters from the Earle Marischall to Sir George, dated after K. C. 2ds restoration and after that the said John Earle of Kintore had sett up his pretensions as the preserver of the honours of Scotland. The 1st. letter is dated at Whitehall 8 January, 1663, as follows

"I received yours and am vexed that any having although relation or kindness to me should scruple at your offering your endeavour for my good. I am, believe me, sorie they are so byassed and be yee assur'd I resent (? respect) your kindness and doe desire you will continue to be so still I am Yours &c."

Directed thus "for my worthie
friend Sir George Ogilvy
of Barras."

The other letter is dated Whitehall, 10 february 1663 as follows

"I have sent home my servand Ramsey to shew my friends our resolution of coming to Scotland in the end of May or beginning of June and shall not doubt of your concurring with my friends for so good ane end."

Now to return to the allegations

2 *do.* 'Tis alleadged in the Earle of Kintore's libel that when the honours were committed to the said Earle Marischall to be secured and kept in the Castle of Dunnottor that they (the honours) fell to be in some manner under the charge of the said Sir George according to the trust the Earle Marischal had reposed in him, And that the Earl Marischall having lodged the honours in a secret place of the Castle and he being thereafter unluckily made prisoner and carried to London he was necessitat to send privat orders with the keys of the place where the honours lay (which

he always kept about him) to his mother the Countess Marischall praying her to take care of the honours it being no more in his power to look after them and that she did then intrust them to the Care and keeping of the said Sir George. And that he had proved very unluckie in it, if that the now Earle of Kintore had not prevented the hazard by his foresight, in as much as, when the Committee of estates had ordeir'd the Lord Balcarras to receive the honours out of the said Castle : And that the said Sir George was afraid to deny the Committees order, yet the now Earle of Kintore though then very young did refuse to give them out of the Castle and that his doing of this did prevent their falling in the enemys hands when within a little while they the English became Masters of all Scotland Except the said Castle wherein the honours were kept. And that when they were marching northward towards Dunnottor the forsaid Countess ordered the honours to be conveyed privatly out of the way which was done within a few days by the assistance of M^r. Grainger his wife and maid and were carried in a bundle of flax to the Kirk of Kinneff and hidd therein ; And that the Minister gave the said Countess a receipt bearing the place of the Kirk where they were hidd whereby the honours were secured through the good conduct of the Countess and by the assistance of the said Minister, his wife and maid during the whole time of Cromwell's usurpation.

To all which it is answered

That 'tis neither probable nor feasible that the said Earle Marischall did keep or withhold from the said Sir George (then Governour of the said Castle) the key of that secret place where the honours were than kept and secured, in regard the said Earle's Commission to Sir George as his Lieutenant gives unto him the sole power and command of the house and Castle of Dunnottor

under his Lordship whereby it doth justly and reasonably appear that since the said Sir George had the keeping and sole power of the said Castle he had also absolute and full power of the honours. For the Earle Marischall having reposed such entire confidence in Sir George (beyond all his Lordships friends at that juncture and nick of time) 'tis not to be doubted but the honours were primarily and particularly intrusted to him at the receiving of his Commission. And it doth farther appear by the Earle of Loudoun, then Chancellour of Scotland, his missive letter to which I referr, that the said Sir George had the immediate and particular trust of the saids honours from the Earle Marischall and none other, and his Lordship being then prisoner at London the said Sir George had the sole care and disposal of the honours and was accountable for them, And it's hereby evident that the said Earle of Kintore had no trust, care of, or concern with the said Castle or the honours. That the Committee of Estates order'd Sir George Ogilvy (then Governour of the said Castle) to Deliver up the honours to Balcarras is evident by his Lordships missive-letter to which I referr ; but that the late John, Earle of Kintore gave advice anent the securing of 'em or diswaded Sir George the then Governour, from giving out the honours to Balcarras is no better than a jest both upon the account of the Earle of Kintore's being then very young (as he himself acknowledges) and therefore very unfitt to give Counsel in a matter of so great importance at such a critical juncture, and moreover 'Twas notourly known that the said Sir George was one of the most prudent and foreseeing men of that age and his conduct did bespeak him such for if he had obey'd the order of the then Committee of Estates seconded by verbal and literal solicitation from the Lord Balcarras then the honours had

inevitably fallen in the hands of Oliver Cromwell, and that the said Earle of Kintore gave advice thereanent far less refused to give the honours out of the Castle doth not at all appear nor can be proven any other way than by a bare assertion and licet omnibus allegare, but that the honours were not Delivered to Balcarras is most certaine as the event hath proven for exitus acta probat.

The said Sir George having the weighty charge of the Government of the said Castle and the preservation of the honours, did communicate his anxiety to his lady and upon a serious consultation between them it was concluded she should convey the honours out of the said Castle and secure them without her husband's knowledge, which she bravely undertook and did wisely and happily effectuat and stood the shock of all the menaces and maltreatment of the enemy with such a firm and undaunted resolution and constancy as is rarely to be parallel'd in one of her sex. And the truth of this is evident by Major Deane's warrand for her and her said husband's releasment upon bail as above Narrated. And he is so far from being satisfied or sooth'd up by the evasion she made that he touches it only in general terms superficially and without much regard, the words being these. "And lastly said his wife had conveyed them (meaning the honours) to a gentleman who carried them to foraign parts. I am willing in case he shall procure good security of 2000 or 1500 lib. ster. that he shall render himself a true prisoner to you upon demand as also that his wife shall Do the likes &c." Now what would have made M G. Deane express himself so if Sir George his lady had not bold own'd and maintained that she had convey'd out and secured the honours as aforesaid? And if she had not been the main actrix in contriving the manner of trans-

porting and securing the honours and the only person who entrusted them to the said Ministers wife what motive cou'd have induc'd her to have undergone a long and strait imprisonment jointly with her husband and to have suffer'd so much both in her person and Estate. Sure, not to procure wealth and honour to the then Mr John Keith late Earle of Kintore (too great a complement to bestow) but out of an innate principle, like the brave old Earles of Douglass her predecessours, of loyalty and fidelity to her prince and out of a just regard to the honour of that Kingdom which then lay at stake, and in hopes that her family and posterity shou'd have reapt and enjoy'd a reward suitable to such an honourable merit.

And at the time that Sir George's lady sent for Mr Grainger's wife and entrusted the hiding and securing of the honours to her as aforesaid it is not probable that the then Countess of Marischall had then any acquaintance of the said Minister or his wife, tho' it's incontrovertibly true that Sir George Ogilvy had been and his Grand-son Sir David Ogilvy is yet in possession of the lands of Barras lying in the parish of Kinneff where Mr Grainger was minister, and consequently Sir George's lady cou'd not but know the Minister's wife and having experienc'd her fidelity and honesty in other things did the more freely adventure to entrust her with matters of so great importance, but that the Countess of Marischall did intrust the hiding and securing of the honours to the said Minister and his wife doth not appear to any rational unbiass'd unprejudic'd person. Her ladyship having no concern in that parish it can't be suppos'd that she cou'd then be intimat with nor repose such confidence in the said Minister and his wife especially she (the Countess) having churches much nigher to the place, I mean Dun-

nottor Castle, of which the Earle Marischall is patron, And therefore 'tis to be thought that the Countess wou'd have committed the honours rather to the care and custody of some of the Ministers of these Churches, if to any at all, where she had interest.

3 *tio.* 'Tis alleadged in the Earle of Kintore's libell that the said Sir George made an ill defence of and surrender'd the said Castle upon a very mean Capitulation. To which it is answer'd that it's well known to all that 'Twas the last Castle held out that time and that against such a prevailing army that if Sir George had not been a man of extraordinary Conduct and Courage he cou'd not have stood out so long as he did, which is evident by the missive-letters from some of the Commanders in chief of the enemy as follows

The first letter

GENTLEMEN

I have power to Demolish your own and the remainder of my lord Marischall's houses in these parts except you timously prevent the same by the giving up the Castle of Dunnottor to the use of the State of England upon such terms as other Gentlemen of honour have heretofore (when the forces of this nation were more significant) accepted, you may observe this season which the most significant persones of your nation Close with by putting these persones and estates under our protection. You may likewise Consider how imprudent at least improvident a part it may be reputed in a time of pacificatione for your armes to be the only antagonists to ane army whose armes God almighty hath hitherto made successful against your most considerable Citadell. I dare not promise you the like opportunity for good terms in future to com off upon as

he is ready upon Speedy Capitulation at present to perform who rests

Stonhyve, November Your humble Servant

8th 1651 Sic subscribitur R^t OVERTON.

Directed to the honourable

Governour of Dunnottor Castle

And to the rest of the Gentlemen there

These.

A second letter

HONOURED SIR,

Whereas you keep Dunnottor Castle for the use of your king which Castle Doth belong to the Lord Marischall who is now prisoner to our parliament of England, These are to advise and require you in their names to surrender the said Castle to me for their use And I do assure you by the word of a Gentleman that you shall have very honourable and souldier like Conditions. If you refuse this offer then if any thing shall happen to you contrary to your expectations by the violence of our souldiers blame your self and not me for I may tell you that the Lord hath been pleased to Deliver unto us many stronger places by storme then that is Since our unhappy difference hath been, and I doubt not but the same God will stand by us in our attempts in this. I desire your speedy answer and shall Rest

Sir

Your verie humble servant

Dated Stonhyve the xxii

sic subscribitur

of November 1651

THO: DUTTON

Directed thus "for the

Commander in Chief of

Dunnottor Castle These."

Sir George's return seems to answer both tho' 'tis directed to Dutton¹ And for the then Earle Marischall's personal safety, he being in the enemy's hands, as well as for the preservation of his houses and lands from damage makes these officers believe he had his Commission absolutely from the King, and to speak freely tho' Sir George had his Commission at first from and under the than Earle Marischall (whose merit was very great) yet as appears by the then Chancellour and the then Lord Balcarras letters If the Regalia or honours had fallen in the hands of the Enemy Sir George and he only wou'd have been accountable for them (after his disobeying the order of the Committee of Estates) both to King and Kingdom.

The Copy of Sir George's answer to these letters is as follows (tho' directed to Dutton)

HONOURED SIR

Whereas you write that I keep the Castle of Dunnottor for the use of the King's Majesty which house as you say doth belong to the Earle Marischall you shall know that I have my Commission absolutely from his Majesty and non els neither will I acknowledge any man's interest here and intends by the Assistance of God to maintaine the same for his Majestie's service upon all hazard whatsoever. I hope you have that much gallantry in you as not to wrong my Lord Marischall his lands seeing he is prisoner himself for the present. Whereas you have had success in former times I attribute it to the wrath of God against us for our sins and to the unfaithfulness of those men who did maintain the

¹ The writer seems to have overlooked the fact that Sir George replied to Overton directly, and on the day on which he received the summons to surrender.—*v. supra*, p. 105.

same, none whereof you shall find here by the Lord's
grace to whom I commit myself and am Sir,

Your verie humble servant

Dunnottor, November 22

sic subscribitur,

1651

GEORGE OGILVY

There's another letter as follows

SIR

Being desirous to avoyd the effusion of blood
and the destroying of the Countrey I have thought fitt
to send you this Summons to surrender up the Castle of
Dynotyre with the provisions of warre thereto belong-
ing into my hands for the use of the parliament of the
Commonwealth of England. If you shall hearken here-
to with speed you shall have Conditions for your self
and the souldiers under your command as may befitt a
man of honour and one in your conditione. I expect
your speedy answer and am

Sir

Dundee Jan : 3d.

Your servant

1652

sic subscribitur. G. LAMBERT

Directed for

The Governour of

Dunnottor Castle.

I shall add two letters more from Walley one of the
Enemy's Commanders anent the Exchange of prisoners.

SIR

I have recd: a letter from two of my souldiers
Will^m Waddington, and Richard Parsons whoe give
notice that they are prisoners with you, I have also
heard of two souldiers of yo^{rs}, prisoners with us at
Aberdeane. I shall set them at liberty upon Parroll, to
come to you, in whose Roome I expect those two
souldiers of myne to returne to mee with their horses

and Armes, otherwayes I desyre you to send those back. If you please to release the third man taken with them, wee shall not be behind hand with you in curtesie when time serves. I have noe more but to let you knowe that wherein I may I shall be

Yo. humble Servant

Aberdeane sic subscribitur. EL. WALLEY

February the 10th

1652

Directed for the Governour
of Dunnottor Castle

These.

Another letter from the said officier is as follows

SIR

If you please to send mee my souldiers with their Horses and Armes, in y^e end it will be more for yo^r aduantage, than if you sende them without. I shall account myselfe obleidged to take care that you may find it so, if you keepe y^e Horses I am content you alsoe keepe y^e men, that they may suffer for being so taken. I have noe reason to give my owne mony out of my purse to redeeme theire horses, nor have I any other waye to doe it, except I make y^r Towne where they were taken doe it ande that they shall if you desire it however if y^e horses be not sent back they must pay theire full value. You may if you please save the Towne from a charge and lay an oblegation upon one whoe will be carefull to discharge it and in what he may to let you know he is

Your humble servant

Aberdeane February

Sic Subscribitur

the 15th. 1652

EL WALLEY

Directed as before.

by all which it's evident that Sir George Ogilvy when Governor of Dunnottor Castle cou'd not have behaved himself better, and 'tis acknowledged by the said Earle of Kintore, in the reflective account he gave to Mr Alexander Nisbet to be printed in his book of heraldry, that there was then no hopes of succour nor the Castle able to hold out long if once attacqu'd.

And truly it's a wonder that it held out so long even untill the 26 of May a^o 1652 for there being no relief given and all hopes thereof then cutt off and but thirty five men in the Garrison, a mere handful in Comparison of the number then requisite to Defend the place, and all of 'em day and night upon duty were extreemly fatigu'd and over-wak'd, yet they maintain'd their respective posts valourously for the space of ten days when closely besiegd'd and from the Enemy's leagure at the black hill of Dunnottor were exposed to the havock of bombs and the shoaks of thundering Cannon and when the Governour found that the Garrison was not able to hold out longer and all forts within the Kingdom being then reduc'd under Command of the Enemy Sir George, the Governour, judg'd it better to make a honourable Capitulation then to have permitted the Castle to have been storm'd and when the Garrison marcht out with Drums beating and Colours Flying and kindl'd matches for the space of a mile the besiegers were astonisht to admiration to see such a smal force make so long and vigorous resistance against such a prevailing army. And the besiegers expressly told that if the Castle had not been that day surrender'd they were resolv'd to have storm'd it the very next day following which easily they might have done Considering the bad posture the garrison was in as aforesaid. And that which some time before did mightily incomode Sir George, the Governour, was a mutuny rais'd and fomented

by one David Lighton who had been a Collonel abroad yet by the said Governour's diligence and conduct the mutuny was suppress and crusht in the bud by Causing train-out Collonel Lighton and never allow'd him to re-enter the said Castle whereby the souldiers were quash'd and Composed and the Direful effects of that Mutuny prevented which was to have sacrificed the Governour and all under his charge to the mercyleless cruelty of the Enemy. And 'Twas a signal act of providence that the designe was discover'd for there being several veteran souldiers in the Garrison who had serv'd in france and other places, most of them strangers to the Governour and getting no pay from the publick, made his post very uneasie and brought him to a deal of Charges he being necessitat to give pay to the said Collonel Lighton, and to the Surgeon Engeneer and Cannoneir, all out of his own Estate, he having gott no pay either for himself or them from the publick.

4^{to}. 'Tis alleadged in the said Earle of Kintore's libel that when Sir George and his lady were required by the English after the surrender of the Castle to deliver up the honours or give a rational account of them they asserted that the honours were Carried abroad by Mr John Keith, the said Earle of Kintore, and deliver'd by him to the King at Paris, and the Earle alledges that this was the contrivance he had devised and the principal Cause of his going abroad. To which 'tis answer'd That the said Earle of Kintore, at and before the time of conveying the honours out of the said Castle knew nothing then how and by whom they were Convey'd out and secur'd is doubly evident, first, by his account of that matter to Mr Nisbet to be insert in his book of herauldry, at Edinburgh, wherein the said Earle affirms that his mother the Countess of Marischall contriv'd the manner of securing of the honours and that she com-

municate the same to such a Number of trustie persones as were requisite to make the Designe effectual among whom was George Ogilvy, a servant of the family, (who had been entrusted with the government of the Castle), and that the designe was the honours should be convey'd out of the Castle by sea and that accordingly they were carried to a Church three miles distance. By this it wou'd also appear that the said Earle of Kintore had not gott a right information (before or at the giving of this account to Mr Nisbet) how or after what manner the honours were carried out of the said Castle. And the Earle further adds that his said Mother ordered those she had entrusted with the carrying them off to give out and maintain (if the said Castle should happen to be taken, on which was not much doubted) that her son John had carried them abroad and deliver'd them to the King then at Paris, and that she immediately wrote and acquainted her said son with the method she had taken, and desired he might own the same. This account to Mr. Nisbet flatly contradicts the Narrative of the said Earle's libel to the Privy-Council of Scotland and doth sufficiently prove that it was none of his contrivance, I mean the manner of preserving the saids honours and testimonium adversarii contra se est validissimum. 2 dly. If the said Earle of Kintore had been then in Scotland, Sir George his lady cou'd not have made use of his name be way of evasione for the Enemy would have been soon undeceiv'd.

5^{to}. It's alleadged by the said Earle that by his firm countenance and exact answers when appearing before General Monk and Collonel Cobet, the honours were preserved till the King's restauration in the year 1660 at which time the Countess of Marischall writes to his Majesty to know his pleasure about the honours, and that she had a very kind return of thanks with orders to

Deliver the honours to the Earle Marischall and that the King being informed of what had passt as aforesaid his Majesty gave the said Earle of Kintore (then Mr John Keith) the patent of Knight Marischall with a honourable fee. To which it's answer'd that the said Sir George and his lady own'd the having of the honours, and his lady in particular constantly affirm'd that she had sent them abroad as aforesaid to the King C. the 2d, and so she and her husband stood in the gap and (next to the then Earle Marischall) suffer'd for all, and kept Mr Grainger the Minister of Kinneff and his wife from being suspected, question'd, or known. And if the then Countess of Marischall got an order from the king to deliver the honours to the Earle Marischall why did she not deliver them accordingly? And moreover I must crave leave to say, with all due regard to her ladiship's memory, that if my lady had entrusted the honours to Mr Grainger she wou'd not have fail'd to have pursued him for delivering them to the said Sir George without her consent, and if her ladiship had given the trust of them at first to Sir George, and he meddling with the honours to deliver them without her advice and concurrence, she wou'd have pursu'd him for his intromission, but so it is she never intended any such action against any of them, since she cou'd not prove that she had either intrusted the honours to Sir George or yet to Mr Grainger, which, if she cou'd have done, there's no doubt she wou'd have taken all redress law cou'd have given her, for it's well known she was a very active and stirring lady.

6^{to}. The said Earle of Kintore alleadges in his libel or Council-letters that the said Sir George, not being content with the acknowledgments that he might pretend to for the small service he had done in the said matter, had the confidence to send to London his son

Sir William Ogilvy, arrogating to himself the sole preservation of the honours, and making his address to his Majesty by the lord Ogilvy thereafter Earle of Airlie The Countess of Marischall was necessitat to send to London a Gentleman to inform and desire the Earle of Middleton to repress Sir George his presumption and arrogance which was accordingly done and adds that the Earle of Middleton at the said Countess her solicitation did so represent the affair to the King C. 2d. that his Majesty refused to give any more ear to Sir George's false suggestions which put ane end to that attemp. To which it's answer'd that the said Sir George was indeed frustrat of the just recompence and reward due to him and his lady by the opposition his son the late Sir William mett with when at Court from those great minions to whom the matter was misrepresented, as aforesaid, both by the said Earle of Kintore his taking the start and by the endeavours used to prepossess both King and Court.

'Tis alleadged in the Earle of Kintore's libel that, if the said Sir George had kept himself within bounds, neither the Countess nor any of the family of Marischall wou'd have grudg'd him the just reward of his faithful service (this contradicts what the Earle of Kintore says as to the acknowledgments Sir George pretended for the smal services he had done and is a convincing proof of Sir George his loyalty and fidelity) and then the said Earle goes on and says; but Sir George his arrogant impudence to have the whole care and good service of having preserv'd the honours ascrib'd to himself and thereby design'd to robb the Earl Marischall and him of their true merit and also bely his Majesty's patents was that which justly offended, and that the said Sir George was put to silence and did for many years content himself with the reward he had gott without pretending any

further. To which it's answer'd that for the late Sir William Ogilvy of Barras, his causing publish a true relation of the preserving and securing of the Regalia or honours of Scotland, thereby to make known and perpetuate Sir George and his lady's good service and sufferings, and also to satisfy and disabuse this and neighbouring nations as to the manner how and the persons by whom that important matter was contriv'd carri'd on and happily effect'd, I say, cannot in law equity and reason be constructed a designe to robb the then Earle Marischall of his merit (whose loyalty and sufferings were such as no good man who loves his King and Country can question) for Sir George did rather add to and augment the Earle Marischall's merit by discharging so handsomly and valiantly the trust the said Earle Marischall had honour'd him with, which plainly and undeniably appears by a letter his Lordship sent Sir George from the Tour of London after the said Castle was surrender'd upon Capitulation as aforesaid. In which letter yet extand (as are all above mention'd) his lordship expressly says these words "And though wee have not obtained such as wee could have wished yet, I must tell you that I will never be unmindful of your kindness exprest to me. Whenever it shall be in my power to let you know the same." This doth further evidence that Sir George cou'd not have done more at that time for the Earle Marischall's honour and interest than he did. But for my Lord Kintore to pretend that the honours were preserv'd by him and his said Mother only, to speak in his own words, was a plain robbing of the Earle Marischall of his merit and did prejudice the heir and representative of that family. And for the said Sir George or his son Sir William their using honest and lawful endeavours to obtaine a reward and just recompense for the loyalty and sufferings of their family, as

said is, and for Sir William Ogilvy his causing publish the same in defence of his family and posterity attacqu'd, as aforesaid, by the said Earle of Kintore his unjust and reflective account of that matter to Mr. Nisbet, professour of herauldry at Edinburgh, cannot be constructed a belying of his Majesty's patents or any just offence. And it's a rule both in law and nature that what truth the defender tells ob propriam tutelam, id jure fecisse existimetur. And the doing of Sir George Ogilvy justice, as to his merit in preserving the Regalia, is so far from belying My Lord Kintore's patents that it is own'd in K. Ch. II's patents of March 5 1661, whereby he creates George Ogilvy a Kt. Baronet; its likewise own'd in that prince's charter changing the ward holding of the lands of Barras into that of blench, and it is againe own'd in the ratification of the same by act of parliament, so that his lordship, by denying Sir George's merit, contradicts them all three, which was certainly more Criminal than what he unjustly charges upon Sir William and his son.

Answers to, with remarks upon, a scurrilous paper called an information given be the said Earle of Kintore to the Privy-Council of Scotland a^o 1702 against the late Sir William Ogilvy of Barras and David Ogilvy his son.

1^{mo}. 'Tis alleadged in that paper called an information that especially by the prudence and firmness of John, Earle of Kintore, then Mr. John Keith, the honours of Scotland were preserved from falling into the hands of the English and after the restauration of K. C. 2d discovered and restored to the government with an ingenuous and honest account how they had been preserved. But Sir George Ogilvy of Barras, conceiving that it might be a great advancement for his family if he

were understood to be the sole preserver of the honours, and that in a matter so misterious and secret it would be easie to assert boldly, did therefore ungratefully and foolishly set up for the honour of having done that service to his majesty and the nation without any assistance of the family of Marischall. But the thing being then recent, and all the people alive who knew the Circumstances which served to give light to the truth, Barras let fall his pretensions, and the true account of the preservation of the honours was not call'd in question by any body for 40 years. To which its answer'd that the late John, Earle of Kintore, doth acknowledge that the Regalia of the Kingdom of Scotland were entrusted to the then Earle Marischall during the time of the late troubles, and that they were by the care of the late Earle the Countess his mother, and especially by his prudence and firmness preserved from falling into the hands of the English &c. by which word especially (being very emphatick) the said John, Earle of Kintore, seems to assume to himself the greatest part in the preservation of the honours, thereby detracting from his brother, the then Earle Marischall's merit. In anno 1674 the late Sir William Ogilvy of Barras, son of the said Sir George, went up to London in expectation of the reward and pension promised to his father, but the then Secretary, being made his great Enemy and a fast friend to the said Earle of Kintore, and he the said Earle, as he confessed to Mr. Nisbet at Edinburgh, did make Sir William as many enemies as possibly he could at Court ; so that Sir William having so many and great enemies was shifted of and postpond, and at last wearied out that he was oblig'd after great loss of his time and money to returne home without pension, place, or any pecunial reward, and his father Sir George reflecting upon his own and his lady's great

losses and sufferings, and after all to see his son disregarded and himself unrewarded for his faithful and discreet service, as the said Earle of Kintore in his libel expresses it, he, Sir George, contracted melancholly and dyed sometime thereafter. All which proves that he was not satisfied with that part of his reward he at first got ; neither did he let fall his pretensions but expected a pension as the King had promised him. This doth also cut off Kintore's pretention and allegation of prescription. And altho' such an interruption and liti-contestation had not been made in a^o 1674 yet, by the civil-law and according to equity and reason *vitiosa possessio non juvat possidentem et quod ab initio non valet non potest tractu temporis convalescere*. And tho' the said Earle of Kintore taxes the said Sir George as having ungratefully and foolishly set up for the preserver of the honours &c yet he ought rather to have gratefully and prudently as well as justly acknowledg'd Sir George his lady's act of kindness (having been the greatest e're was Doune him by any) in making use of his name as a mean, tho' it prov'd but a smal' one, to conceal the honours from the enemy. I say, the said Earle of Kintore was in point of gratitude bound to have had a singular regard for the family of Barras being the posterity of that lady and to have promoted and advanced their honour and interest, since she gave the first rise to his grandeur and estate. But to wrong, oppress, and mal-treat the family of Barras, so much as the said Earle of Kintore has done, was barbarous ingrate and inhumane.

2 *do.* The said Earle of Kintore Alleadges in his printed information that George Ogilvy, when Governour of Dunnottor Castle, was affraid to deny the order of the Committee of Estates anent transporting and securing of the honours and that he, the said Earle, did diswade

him and that he the said Earle did refuse to give out the honours out of the said Castle to Balcarras having projected a more effectual way to preserve them; and that if they had been delivered to the said Committee, which was shortly thereafter dissipat, they the honours had undoubtedly fallen in the hands of the enemy; and that he, the said Earle, tho' very young, apprehending the danger, refused to give the honours to Balcarras: and he the said Earle of Kintore did avert this, as if he had had any trust of the honours or concern with the keeping of the said Castle. And the said Earle alleadges in his libel or Council-letters that the honours having escapt this hazard were still kept in the said Castle; but the English marching northwards towards Dunnottor, the foresaid Committee ordered the honours to be conveyed privately out of the way, which was done by the faithfull assistance of one Mr. James Grainger, Minister of Kinneff.

The said John Earle of Kintore, in his printed information, alleadges that the English approaching Dunnottor, and there being no appearance of relief, the said George Ogilvy gave the honours to Mr James Grainger, Minister of Kinneff, who carried them out of the Castle and the said Mr James sent his wife to receive them.

Now let the world judge! if the said Earle of Kintore his assertions anent his and his said mother's preserving the Regalia or honours of Scotland be not this far inconsistent and contradictory. The said Earle of Kintore alleadges in his paper call'd an information that the said Barras was redargued by the writs (meaning the pretended letters and declarations from Grainger, the Minister). So far from any such thing neither the said Earle nor his mother the Countess of Marischall did ever alleadge or produce any such writs till this late process a^o 1702 which, if they had had or thought probative or

authentick it's unquestionable they would have made use of them when the Minister and his wife were alive, especially when the said Earle's mother was very hard upon the said Sir George by many law-suets and expensive pleas before the lords of session by reason he would not say she and her said son had preserved the Regalia.

That the said Sir George held out Dunnottor Castle when Governour there longer then the then Committee of Estates the Chancellour or lord Balcarras did think probable nay possible is manifest by their letters aforesaid. And the said Earle of Kintore acknowledges in the account of his family to Mr Nisbet, that the said Castle was not able to hold out long if once attack'd and that when it was surrender'd the English, finding the honours were withdrawen, threatned the greatest cruelty on the besieged. This is a further proof of Sir George's valour and gallantry and likewise of his and his lady's sufferings for the honours who were the only persons Challeng'd and imprison'd on that account, the rest of the garrison being dismiss'd after they had marcht out honourably according to Capitulation as aforesaid. And if Sir George and his lady had not been faithful and honest they might, thro' avarice, have sold the honours or, thro' timorousness, told the enemy where they were hid, and non in Scotland could have hinder'd 'em ; but they were true to their trust and loyal to the utmost degree.

In that paper Call'd a Declaration from Mr James Grainger, Minister of Kinneff, to the then Countess of Marischall it's said that Grainger thought fitt to declare that in August 1651, by the Countess of Marischall, the honours were delivered to George Ogilvy of Barras with charge to him to secure them, and he keeping them in Dunnottor till there was no longer probability of main-

taining the Castle, he employed me, having sufficient assurance of my loyalty and fidelity in promise keeping, to carry the honours out of the house and secure them.

In the first place it's questionable how Grainger could know anything relative to the saids honours before they were entrusted to his wife, or that he had then any acquaintance of or Concern with the Countess of Marischall. And, besides, the Earle Marischalls Commission was given to the said Sir George with trust and command of the said Castle, in July before, and that the trust of the honours was at the same time given to him is evident by the Earle Marischalls receipt, which plainly proves that the Earle Marischall, and none els did entrust the care keeping and preserving of the honours to the said Sir George. And by Grainger's saying that the said Sir George Ogilvy employed him having experience of his fidelity in promise keeping &c., it's evident that the honours were not entrusted to Grainger by the said Countess, her contrivance or order, as is alleadged.

And that pretended Declaration bears that Grainger granted a ticket to the said Countess of having the honours in his custody : but it makes no mention that he had them in trust from her ladiship (and if there had been any such ticket methinks it wou'd have been produc'd at first). And Grainger adds that George Ogilvy had obtained a receipt from the then Earle Marischall and sent it or the double thereof to London to his son, as if the honours had been in his custody and by him preserved, although it be well known to his son that I had them in my house akeeping ever since the first delivery of them to me. This pretended declaration is contradictory in itself, and also inconsistent with the tenor and purport of Grainger's pretended receipt, wherein mention is made of several places in the said Church

where they, the honours, are said to have been hid and now alleadging they were kept in the Minister's house, it's plain the said receipt and Declaration, as they are call'd, do Clash one another and the said pretended declaration being posterior to the Earle Marischall's receipt of the honours to George Ogilvy it may shrewdly be suspected it was elicite. And as for Grainger's last letter to the Countess really it doth not appear to be the strain of language in the North of Scotland at that time, for he begins "I could not of duty ommit to write to your ladship at this time for Barras is now offering at high things namely to improve against your ladship &c." And, besides, this letter is very reflective upon the then Earle Marischall's honour, as if his lordship should have given the said George Ogilvy a receipt of the honours the Night before his lordship had received them which is both unreasonable and unjust to imagine. And 'tis most certain if Grainger had deliver'd the Regalia to the Earle Marischall by the Countess her order, or as having 'em in trust from her ladship, the Earle Marischall would have made mention therof by a Clause in the said George Ogilvy his receipt or els have given Grainger a particular receipt.

As to that pretence of the said Earle of Kintore's that, when the Earle of Middleton came to Scotland to Command a party for the King, he the said Earle of Kintore join'd him and got a receipt from him that he had deliver'd the honours to the Earle of Middleton. At the defeat of that party he the said Earle of Kintore was hardly put to it to tell where the honours were, to which 'tis said he answer'd that he had given them to the Earle of Middleton and had his receipt thereon. And he says that the English remained satisfied and gave over any further search for the honours. Whereas Sir George Ogilvy and his lady's enlargement from close

prison being only obtain'd upon bail of 2000 lib: str. and they were enforced to find bail of 500 l. str. in the time of their Confinement under which Sir George's lady dy'd and he continu'd therein 'till the King's restoration and Sir George and his lady's enlargement was obtained upon bail as aforesaid by the mediation of friends, particularly James Ogilvy of Shannally, a cusine of Sir George's, to whose house Sir William, Sir George's son, fled for sanctuary from the fury of the enemy when his father and mother were prisoners in Dunnottor. I say, as their enlargement was only obtained ut supra, so their strict confinement and being always oblig'd upon advertisement to enter themselves close prisoners, during which they were frequently examin'd and there house of Barras searcht doth evidence and shew that the Enemy were never fully satisfied anent the transporting and securing of the honours. And some of that party Comanded by Middleton set fire to the Entry of Sir George's house of Barras and wounded him in the hand, which was mutilat to his death (he being than at liberty from Close prison and Confined to his house of Barras before the defeat of that party), and consequently that frivolous pretence of the said Earle of Kintore's falls to the ground.

The said John, Earle of Kintore, having, as before mentioned given account of his family to Mr Alexander Nisbet, profesour of herauldry at Edinburg, to be printed in his book of herauldry, in which account the said Earle not only takes upon him the preservation of the honours of Scotland from falling into the hands of Oliver Cromwell but likewise throws several reflections on Sir George Ogilvy of Barras his memory, besides the taking from him the glory of his fidelity and his Noble service to his King and Country, wherefore, the late Sir William Ogilvy being informed thereof was sensibly touched that

such a reflective account shou'd be publisht and handed down to future ages and thought himself oblig'd in honour and conscience to vindicate the memory and to perpetuate the integrity loyalty and sufferings of his father and mother, and accordingly caused publish a true and impartial account of the preservation of the Regalia of Scotland, as aforesaid, upon the sight of which the said Earle of Kintore was extreamly nettld to find the matter set in a true light and to see that his Lordship, tho' rewarded as the preserver of the honours by being first Made Kt. Marischall and then Nobilitate with a yearly pension of 400*£* St., I say, to see that he had no other part in that service then the owning what Sir George's lady said be way of evasion to sham the Enemy, he, the said Earle, was so much incens'd at the discovery that he laid hold on some expressions in the said account which the just resentment of the injury done Sir George Ogilvy and his family by the above mentioned paper given to Mr. Nisbet had extorted. I say his lordship upon these ingenous and plain expressions founded a Complaint to the Lords of his Majesty's Privy-Council of Scotland a^o 1702 against the late Sir William Ogilvy of Barras and his Eldest son, the present Sir David Ogilvy of Barras, alleadging (with many cruel words) that they were guilty of defamation &c. Sir William Ogilvy being sick and not able to travel, having been valetudinary for many years before, sent up a certificate upon soul and conscience which his procurators gave in, and humbly expect'd that the lords of Privy-Council would not have sustained any process against him untill he had been able to come up for making his full defence, for they said that by the inviolable constitution of the forms of Council there can be no procedure against a party whose *Essionzie*¹ is relevantly

¹ *Essionzie*: Excuse offered for non-appearance in a court of law.

made. Yet the said Earle of Kintore's moyen was such that the libel was read in absence, and the said account order'd to be burnt, which was accordingly done. Yet the said Earle's fury did not stop here, but he summoned Sir William and his son *de novo*, and Sir William was put to a double expense to a physician by renewing his certificate, and the said Earle had double his Number of advocats, and Sir William's son, the present Sir David Ogilvy, did compear personally but had no friend to give the lords of Privy-Council a full information of his case or a true account of what he had to say, and was so modest being assur'd of his innocence and Designing to sweeten my Lord Kintore who had then so great interest and moyen that he gave in no defences and the then Earle Marischall, being well satisfi'd both of Sir William and his son's just intentions, did sollicite the Earle of Kintore his uncle to let the process fall but he was enexorable, and Sir William's advocats told that his son, the present Sir David Ogilvy, never intended anything Dishonourable to the family of Marischall or any injury to the Earle of Kintore, and when Sir David was desir'd to speak he said only these words "I adhere thereto" meaning *ut supra*, and what now was spoke by the advocats *qua advocats* he does not own nor regard it. And when he was oblig'd afterwards to compear before a Committee of the Council he told my Lord Mar, who was *praeces* of that Committee and my Lord Kintore's near relation, that whereas he understood that the words he lately spoke before the Privy-Council were Conceiv'd in a sense far different from what he meant wherefore he crav'd leave to explain his meaning, being only this, that he never intended anything dishonourable to the family of Marischall nor yet any injury to the Earle of Kintore, and according to that rule in the Civil-law, in *ambiguis ora-*

tionibus maxime spectanda est sententia ejus qui eas protulisset. But he said that as for the preservation of the honours of Scotland by his Grandfather and Grandmother he wou'd own and maintain the same so long as his blood was warm, and that they were great losers and sufferers by the doing thereof, and did by way of expostulation boldly ask what my Lord Kintore (who with his Eldest son William, lord Inverurie, now Earle of Kintore were sitting with the Committee) did lose or suffer upon that account, and his words were that his owning of the matter was the means of Sir David's Grandfather and Grandmother's liberation from prison. "Not so, My lord," said Sir David, "'Twas upon Sir Robert Grame of Morphie's bail and bond of cautionry that they were liberat." At which his lordship was nonplussed. And these lords granted My Lord Kintore an uncommon favour which was to cause one of Sir David's Advocats and his only agent Depone against him. This procedure gave him sufficient umbrage to think that the said Earle of Kintore wou'd then worst and run him down and as the most liable and fiasible way to prevent such treatment Sir David did the next Council-day (when the Committee was to make their report) present a petition to the Lord High Chancellour and the remanent Lords of her Majesty's Privy-Council of Scotland, and for brevity's sake I shall only insert some paragraphs of it as follows :

"As to any expressions that may fall from a party when he is in extream Concern, as they are to be interpreted in the most benign sense, so his own explication of them is always received *de recenti* for exculpating the same from a delinquence.

"And your petitioner humbly craves leave to explain himself as to what he spoke before your lordships in Council, his meaning being allenerly that he intended

no injury to the Earle of Kintore nor anything Dishonourable to the family of Marischall.

“It is most certain that neither advocat nor writer nor agent is bound to Depone what is privatly told them by their Client otherwise it wou'd be the most pernicious precedent and thereafter there should be no trust, Wherefore your petitioner humbly craves to be assoilzied.”

Notwithstanding all this, the Lords of Privy-Council, not getting full information of the case nor a true account of what Sir David had to say in his Defence, and my Lord Kintore being then a person of so greatt interest did so prepossess these lords that they fined this present Sir David Ogilvy of Barras in a 100*£*. st. and ordered him to be imprisoned during their pleasure, which hard sentence did enforce him to exert the principle of self preservation and to leave his native Country for about twelve months (altho' his predecessours had Done and suffer'd so much for the honour thereof) to the neglect and prejudice of his affairs and the concerns of his family (his father Sir William being superannuated and unable by long sickness to look after them) as well as the spending of his money and time unprofitably, when he might both have husbanded the one and employ'd the other at home. And the said John Earle of Kintore did raise letters of horning &^c Caption and adjudication and all manner of diligence against the said Sir David Ogilvy in his absence designing the ruine of his fortune, and adding affliction to his afflicted and aged parents.

As for the reflections the said Earle of Kintore casts upon Sir George Ogilvy's father tho' they are to be despis'd and, as all verbal injuries & personal reflections are esteem'd worthy of nothing but Neglect; yet it must be said that such opprobrious allegations foully and maliciously to bespatter the dead in spite to the living, plainly demonstrates the badness of one's Cause, for he

that hath no better weapon must throw dirt. And suppose that what the said John Earle of Kintore Charges on the memory and reputation of Sir George and his father were true (as it is a manifest falshood) yet it cou'd not Contribute to fortify his pretensions nor authenticate his cause. And besides it was most unmannerly and ungenteel in a man of his quality to have recourse to lies, tho' with some they are sooner believ'd and go glibber down then truth, and 'tis the custome and practice of this wicked age in which it may be said terras Astrea reliquit to follow that devilish maxim of Matchivill (who was so well skilled in pseudo-policy) fortiter calumniare aliquid adhaeret or where truth is wanting to supply with calumnies and aspersions, and to blacken the fame of those they hate by heavy and disgraceful imputations on their memory, there being some men that, merely to gratify their ill nature, and like thorns that can do no other but scratch and tear, rake into the ashes of the dead, do scandalize the living, give a malicious turn to everything, and do blurr the good names of those against whom they bear a grudge by injurious Calumnies and spiteful libells. And a libel is justly defin'd a bell with a lie ty'd to the end of it to ring the scandal up and down. Now altho', as is said, the reflections cast by the said Earle of Kintore on Sir George's father be not worthy of regard, yet, to satisfy all the unbyass'd and unprejudic'd, as well as to put a Curb upon the foul-mouth'd, these considerations following are offer'd to the view of all. *1 mo.* If Sir George Ogilvy's father had been in such a base Employment or of such a mean extract as the Earle of Kintore alleadges, it is not to be thought that Sir John Douglass being the Earle of Angus brother's son wou'd have consented to, far less sign'd, a contract of marriage (which is yet extant) between the said Sir George Ogilvy and his sister Elizabeth Douglass

wherein Sir George's father takes burden upon him for his son and binds for such a conjunct fee as was correspondent to the tocher, being a competent sum in those days. The contract is dated the last day of January 1634. 2^{do}. Is it to be thought that William Earle Marischall wou'd have us'd Sir George with so much familiarity and respect as belongs to a gentleman, which is evident by the Earle's missive-letters ut supra? Can it be thought that that Noble person wou'd have treated Sir George Ogilvy in such a manner if he had been bred and brought up from a mean and obscure beginning by the Earle Marischall and in his family as the Earle of Kintore alleadges? And, besides, it's well known in the Country and Neighbourhood that both Sir George and his father liv'd creditably as gentlemen and were esteem'd as such.

And as a farther proof of the confidence reposed by the family of Marischall in the said Sir George and his son the late Sir William, There's a letter yet extant from the late William Earle Marischall to the late Sir William Ogilvy of Barras Dated at Inverugie, September 14th, 1702, wherein his Lordship says "Our family have always had you our friend and nothing can show it me more than that you'll heartily concur for the choising such men to represent our shire as are of such good principles that greed will not byass nor threats frighten from their Duty. So for the well yow wish your Country and the friendship I expect from you I'm persuaded you will be for them. I am sorry to hear yow have been ill for some tyme. I have a Sedane is at your service. The way is short and a little of the air may I hope doe yow good so makes no doubt of seeing yow at our head Court which will very singularly oblige Sir, your affectionatt and humble servant

sic subscribitur MARISCHALL "

And the said Sir William did in obedience to his Lordships desire goe to the head Court and went seldom abroad afterwards. And it is to be observed that this letter was written by the Earle Marischall a little after and in the same year that the Earle of Kintore, Uncle to the said Earle Marischall, did by his moyen and Interest with the Privy Council of Scotland worst and run down the late Sir William Ogilvy and his son the present Sir David. As to the preservation of the Regalia of Scotland from falling into the hands of Oliver Cromwell, it doth evidently appear how and by whom that important matter was transacted, and for the late Sir William Ogilvy of Barras to give an account thereof in defence of his saids ancestors memory and good-name attacqu'd as aforesaid, and by appearing truth's champion to countermine the subterfuges and wipe off the paint with which it was contaminat and varnisht over cou'd not be reckon'd in the construction of law justice or reason any reproach injury or villany with which the said Earle of Kintore taxes him frequently in his libel stufft with calumnies slanders and detractions which seems to have proceeded from malice and to avenge the just disappointments he was then like to meet with (and which his family will now be sensible of) by the mere force and dint of truth which will sooner or later exert itself however by art or artifices it may be for a while conceal'd, and give to persons and actions the just praise or blame they deserve. For justice ought to be render'd to every man's desert in speaking the naked truth, for truth never grows old, neither is there any respect to be pay'd to a grey-headed Error, and there's so plain a line drawn between great truth and gross errors that it's visible to every capacity and an ordinary understanding that is not under a violent prejudice or blinded by some vice or

fault of the will may easily discern. Men by speaking truth gain more credit in the world and have more peace in their consciences, for honesty and integrity is the best policy and the most effectual and lasting instrument of Doing business, and Solomon well observes the lip of truth is established for ever and a lying tongue is but for a moment. And they who write without vouchers, which has been the error of great historians, do often impose falshoods for truth and if the error fall on things and actions they occasion great mischiefs. And without taking the method I've done 'Twas not otherwise possible to unravel so many intricacies nor to set so many quite forgotten, at least misrepresented transactions and events, in their genuine light. And men have an undoubted assurance of matter of fact ancients by far than these above related and the distance of them from our times creates no manner of scruple concerning them. That there was such a man as Alexander the great and that he conquer'd Darius and the persians, that Julius Cæsar invaded England and in some measure subdu'd it, and that he overcame pompey in the Battel of pharsalia, and innumerable other very ancient matters of fact are firmly believ'd without any matter of doubt and scruple by mankind notwithstanding they were done so long ago. To return from this digression.

I do now appeal to the candid reader if John Earle of Kintore had any better proofs either for his pretensions as the special preserver of the honours of Scotland or yet for his reflections and calumnies on Sir George Ogilvy and his ancestors then an ipse dixit, as is evident by what's above related all documented scripto.

LXXXVII

Letter from James, fifth Duke of Hamilton, to Sir David Ogilvy, addressed "to the care of y^e Post-master of Stonehaven."

SIR

Tho I have not y^e good fortune of your acquaintance, yet I am fond of embracing the earliest opportunity of assuring you of the regard I have for you, w^{ch} I could not sooner do not knowing till of late that I had a relation in your part of the Country.

At a critical time like this every one employs themselves to find out the different situations every shire is in, how litle soever they may have interest in it, w^{ch} engag'd me in the same kind of search, & afforded me no small satisfaction when by pursuing the enquiry I found I had so worthy a relation as Sir David Ogilvie who I know my Father had always so great an Esteem for, and whose acquaintance I shall endeavour to attain otherwise than by an Epistolary correspondence, Tho at present you must give me leave to take this method of solliciteing you in favours of a friend and particular acquaintance of mine The Laird of Skeen,¹ who now offers his service for y^e shire of Mearns, where I know you can be of singular service to him w^{ch} will be a particular obligation done

Sir

Your most sincere humble
Servant & affectionate cusin
Hamilton & Brandon

Hamilton
Oct^r. j
1733

¹ George Skene, seventeenth of that ilk.—New Spalding Club, "Memorials of the Family of Skene," p. 42.

LXXXVIII

Sir David Ogilvy to James, fifth Duke of Hamilton.

May it please your Grace

Your grace's letter dated of Oct. the laird of Skeen delivered with his own hand in my house of Barras. I do rejoice exceedingly that your grace is in so good a state of health Your Grace's noble father is impressed on you to demean yourself a good pleasant & gracious friend.

I yesterday made a visit to my good friend & Neighbour the Lord Viscount of Arbuthnott, his house is about 3 miles distant from mine, where wee drank your Grace's health & I presum'd to joyn you w^t your cousine lady Jean Douglass the Duke of Douglas sister. I hear she's a pretty & well accomplisht lady of exquisite virtue and probity. I cou'd wish your grace were matched w^t her & thereby unite the Noble family of Hamilton & that of the brave old Douglass a new, your Grace having the best Title & ryt to the Duke of Douglass his Estate & your 2^d Son by that Lady will represent it, pardon this freedom I take w^t your grace.¹

I have herein sent you a copie of a paper q^{ch} I have writ being my own private thots proceeding from a

¹The Duke may have pardoned Ogilvy's impertinence: he did not follow his advice. His second Duchess, Elizabeth, daughter of Thomas Strangeways of Melbury Sampford, having died in 1729, he married, 23d July, 1737, Ann, daughter and co-heiress of Edward Spenser of Rendlesham.—"The Scots Peerage," Vol. IV, p. 392. Lady Jane Douglas, on the other hand, became the wife of Colonel John Stewart, afterwards Sir John Stewart, Bart., of Grandtully, their marriage, under curiously romantic circumstances, resulting twenty years later, in the famous law plea known as "The Douglas Cause."—*Ibid.* Vol. I, p. 212.

principle of integrity inherent in me for the publick good & welfare of old Scotland.

I call it a general overture to be made at the meetings of the shires and burrows in this kingdom that the barons may beir the lied upon it before the Elections of Members comes on, & if your grace approve of it you may please cause disperse Copies of it in your Neighbouring Counties, & if our Com^{rs} do not act & vote in the British parliat: for the honour interest & publick good of Scotland q^{ch} they cant make appear they ever as yet have done 'Twer better to send none at all, for I believe the English members of parliat: wou'd treat us better out of mere generosity than our own members have hitherto done, either pears or commoners.

I'm now well advanc'd in years ane valetudinary & decrepit do seldom travel but my inclinationes to serve your grace & my Native Country are strong & vigorous, & Am not yet determin'd if I'll be at the Election of a Com^r to represent the shire of Mearns, but upon your Grace's account, if I be not for the laird of Skeen I shall not be ag^t him whatever solicitationes are made me. I do think that gentleman a kind generous honest man, & one of a debonair conversatione.

I have searcht for & found some l^{res} of late anent the Election of Members of the Scots parliat & in particular one from your Grace's father to mine and another from W^m Earle Marischall to my father a^o 1702. The E. Marischall desires my father heartily to concurr in the choising such men as are of such good principles that greed will not byass nor threats frighten from their duty. These are his lop's very words in his letter lying before me.

I have herein sent your grace a memorial anent the preservacione of the Regalia & of other monuments of the Kingdom of Scotland preserved by my grand-father

when Governour of Dunnotter Castle in the time of Cromwells usurpatione, & particularly the papers belonging to the family of Hamilton q^{ch} is evident by a missive letter an extract of q^{ch} is here inclosed from your grace's grand-mother to my grand-fay^r holograph, & a receipt from her serv^t James Hamilton on the end of the letter q^{ch} w^t all the documents proving his loyalty & integrity are registred in the publick register at Ed^r.

When I was young I had the honour to wait of yo^r grand-fay^r W^m Duke of Hamilton¹ in his grace's apartment in the Abbey of Holy-rode house & before dinner his Grace address'd me to my Lady Dutchess. I had her letter in my pocket & let her peruse it. She said it was true & that it was the last Castle held out for the King at that time. I was also acquainted w^t & well received by your great uncles the Earles of Orkney Selkirk & Ruglen & by my lord Lord Basil² who treated me as kindly & familiarly as if I had been his own son. He was a brave man like to his Noble father in stature who was prince like & might have personat an Emperour. I wou'd be proud to cultivat friendship w^t your grace by missives till I have the honour of meeting w^t you personally. 'Twou'd be refreshing & viving to me now in my declining age & if I be in such a state of health as to be able to travel so far I'll God willing wait of your Grace at Hamilton or Kinneil next sūmer.

I intreat your grace will pardon this prolix letter. I wish your grace and Noble family all manner of

¹ William, son of the first Marquis of Douglas, married Anne, Duchess of Hamilton (*supra*, p. 108), and in virtue of this marriage was created Duke of Hamilton for life.—“The Scots Peerage,” Vol. IV, p. 381.

² Sons of the above.

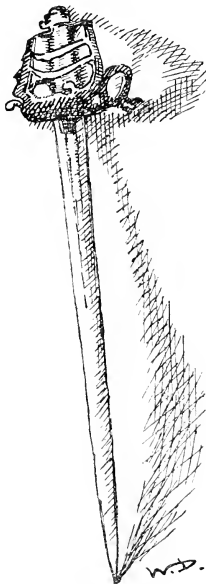
prosperity in this world & eternal happiness in the next
& I am with profound respect & veneration

My Lord

Your Grace's most faithful most obedient
& ever humble servt.

Barras Nov^r 14th [David Ogilvy.]

1733.



Cromwellian Sword.

MISCELLANEOUS PAPERS.

I

Memoir—The Ogilvies of Balnagarrow.

Ther is in the custodie of George Ogilvie of Auchindory oy and air of Joⁿ Ogilvy of Balnagarro ane precept of saisine Daited at Dundee 24 November 1457, Granted be Walter Ogilvie of Oures laird of Dunboug for infesting his cousigne Andrew Ogilvie brother german to Joⁿ Ogilvie of that ilk in the fourt pairt lands of Dunboug lying in Fyff.

Ther is ane Instrument under the hand of David Logie, notar, Dated 3 of August 1474, containing the transumpt of ane other Instrument wherein Walter Ogilvie of Oures is concerned and therintill this Andrew Ogilvie is designed Andrew Ogilvie of Balnagarrow. Whereby it is clear that Balnagarrowes first progenitor about two hundreth and som mae yeares was son to y^e laird of Pourie Ogilvie.

II

Memoir—William Ogilvy of Lumgair.¹

The laird of Balnagarro having sold his lands his second sone was William Ogilvy whose mother was only child & Daughter of James Ogilvy of Balfour sone to the than Lord Ogilvy whose lady was Dãur to Stuart E: of Athol whose other Dãur (I mean y^e E: of Athol's) was Lady Balbegno & the third Lady Lovit. The

¹ This document is in the handwriting of Sir David Ogilvy.

said W^m Ogilvy having no portion from his father, Dam Margaret Ogilvy who was married to y^e than E: Marischall did take the s^d W^m Ogilvy along w^t her, being a young boy, to y^e mearns he being thirds of kin w^t her, the said James Ogilvy of Balfour being her uncle, & when the said W^m Ogilvy came to be of age was found to be a handsome prudent man & was employed by y^e E: Marischall in his most important affairs & had his horse & serv^t kept in y^e family & grey-hounds for his diversion & he, the s^d W^m Ogilvy wodsett Lumghair being than nine chalders of vict^l from y^e E: Marischall & married Strachane of Bridgtoun's Däur in Angus whose father was a sone of Strachane of Thorntoun in the mearnes & Bridgtoun's Lady was Daughte of y^e laird of Aitoun in Fife.

III

Contract—Erll of Anguss & Mr Androw Arbuthnot.

AT ABERDEIN PITDRICHIE AND LITEL FIDDES the nynt day of Junij the yeir of God ane theusand fywe hundreth four scoir & auchtein yeirs It is appoyntit agreit faithfullie obleissit and finallie contractit betuix the richt nobel and potent Williame Erll off Anguss lord Duglas and Abernethie etc.¹ for him selff and takand y^e burdeine one him for Dame Elizabeth Oliphant countes of Anguss his spous one y^e ane p^t and Mayster Andr: Arbuthnot apperand of Litel Fiddes²

¹ William, tenth Earl of Angus, whose brother, Mr. John Doug'las of Pitdrichie, Corsbatt, and W. Barras, was father of Mrs. Ogilvy. The Earl married Elizabeth, daughter of Laurence, fourth Lord Oliphant.

² Andrew Arbuthnott of Little Fiddes succeeded his father prior to 1606. He was nephew of Alexander Arbuthnott, Principal of King's College, Aberdeen, the author of "Originis et incrementi familie Arbuthnoticæ Descriptio Historica." Sara Strathauchine here mentioned has escaped the notice of the genealogist.—*Cf.* "The

for himself and takand y^e burdeine one him for Sara Strathauchine his spous on y^e wther p^t bindand and obleissand thame thair airis executoris and assigneyis hinc inde to wtheris wnder y^e pains off poynding and horning to pas apone ane singel charge of sex dayis the ane but preiudyce off y^e wther in maner forme and effect as followis THAT IS TO SAY the s^d Erll grantis him at y^e making off thir p^{nts} and abefoir to hawe resauit frome y^e said M^r Andro y^e sowme off ane thousand merkis vsuall Scottis money off y^e q^{lk} sowme y^e Erll holdes him weill content satisfeit and peyit and for him and his foirsaidis exoneris quytclamis and dischargis y^e said M^r Andro his airis executoris and assigneyis off y^e same for now and euer FFOR THE Q^{LK} sowme alreadie peyit as saidis the said Erll binds & obleiss him and his foirsaidis to dewlie heretablie and sufficientlie titulo oneroso vest seas and infest y^e said maister Andro and Sara Strathauchine his spous w^t him be coniuntfie y^e langest liwer off thame tua y^e airis lawfullie gottine or to be gottine betuixt thame q^{lks} failyeing to y^e airis lawfullie gottine or to be gottine of y^e said M^r Androis bodie q^{lks} failyeing to M^r Peter Arbuthnot brother german to y^e said M^r Andro his airis & assigneyis quhat sumeuer in all and haill the Toune & landis callit y^e Farnybrae with y^e haill pendicles and pertinentis y^roff as y^e same is presentlie occupeit be Roger Jak with comone pasturage and libertie off fewall out off y^e Moss off Barras vsit and wont and in spetiall warrandyce y^roff in all and haill y^e toune & landis callit y^e Midtoun off Barras occupiet be Williame Coullie w^t y^e pendicles and pertinentis y^roff all lyand in y^e paroche

Scots Peerage," Vol. I, p. 286. She must have died shortly after the date of this contract and apparently without issue. Andrew himself died in 1626, having by Janet Gordon, Robert, his heir, whose daughter, Margaret, born two years earlier, became the wife of George Ogilvy.—*v. Pedigree.*

of Kynneff and Schireffdome off Kincardin and that be sufficient heretabill few Chartour gawine off y^e said Erll his airis and assigneyis for yeirlye payment off tuantie s. fewmaill allanerlie to be peyit in y^e toune of Cowie yeirlye and in case off absens consignit in y^e handes off y^e schereff clerk off Kincardine at tua termes in y^e yeir witsonday and mertimes be equall portiounis as at mair lenthe in y^e chartor to be maid y^r anent salbe expressit q^{lk} sall contene precept off seyssing with all clauss necesser or profitable for heretabill affectuall and peacabill joissing & bruiking off y^e sames and namely warrandyce from all wardis releuis non entreis forfaltors purpresturis recognitiounis disclamatiounis alienatiounis assedatiounis anuell and lyifrentis lades terces coniunctfeis sasans publict or priuet assignatiounis resignatiounis stentis taxatiounis impositiounis inhibitiounis interdictiounis horeningis annullationis off infestmentis or retouris bastardis appretiatiounis evictionis disclamatiounis wtheris burdenis penaltis accidentis and inconveniencis quhat sumever alsweill vne namet as namit regal as privat and sall set and warrand and be thir pñts settis and warrands to y^e said Mr Andro and his said spous & y^r foirsaidis the teyndis off y^e saidis landis als weill parsonage as wicarage during y^e tyme off y^e wodset y^roff for yeirlye peyment off thretteine s. and four penneis allanerlie att the recept off y^e q^{lks} eidentis & richtis maid seillit & subscrivit in dew & competent forme as saidis The said Mr Andro sall for him his said spous and thair foirsaidis mak seil subscriue and delyuer to the said Erll his airis and assigneyis ane sufficient letter off reuersioun be wertew off y^e q^{lk} y^e foirsaidis landis principall & warrandyce ar and salbe redemabill by y^e said Erll his s^d spous duering hir lyiftyme and his saidis be repeyment off y^e foirsaid sowme off ane thousand merks mōe foirsaid

to be peyit and delyuerit togidder & at aines in ane sowme apone ane day betuixt y^e sone ryissing & passing doun off y^e same that q^{lk} day wⁱⁿ y^e paroche kirk off Arbuthnot and incase off absens or refusall to be consignit in y^e handis off Alexander Arbuthnot in Petcarlis¹ or Dame Arbuthnot off Fendowrie² and failyeing off thame in y^e handes off ane responsabill lawit man within y^e said paroche for quhome y^e said Erll and his foirsaidis salbe ansyrabill to be furthcumand to y^e weill and profit off y^e said M^r Andro his said spous and y^e foirsaidis premonitioun alwayis off fourtie dayis preceeding to be mad to y^e said M^r Andro and his saidis personallie and failyeing y^roff at thair duelling placis & paroche kirkis apone ane Sonday befor noune befor ane notar and sufficient witness as vse is in sic caseis as at mair lenth in y^e letter of reuersioun to be maid y^r anent for redding off the saidis landis principall & warrandyce be payment of y^e foirsaid sowme off ane thousand merks with ane bak set off y^e said landis teynd & stok to y^e said Erll & his foirsaidis for y^e space off thrie yeiris fra y^e feast of Witsonday last bypast in this instant yeir of God jai vc & four score and auchteine yeiris for yeirlye payment of y^e sowme off one hundreth merks money foirsaid apone Witsonday ewry yeir forby and attor y^e fewmaill & teynd silwer aboue sp^{êit} q^roff y^e said Erll and his foirsaidis sall warrand reliewe and keip skaithles the said M^r Andro his said spous and thair saidis during the saidis thrie yeiris and ay and q^{ll} y^e said M^r Andro his spous

¹ Third son of Robert Arbuthnott, twelfth of that ilk, by Christian, daughter of Robert, Lord Keith.—“The Scots Peerage,” Vol. I, p. 291.

² On the death of Christian Keith, Robert Arbuthnott married Helen Clephane, of the family of Carslogie, by whom he had a son David of Findowrie. David married first Elizabeth Rait, daughter of Rait of Halgreen, who died in 1595, and thereafter a daughter of Stuart of Inchbreck.—*Ibid.* p. 294. The latter was probably the “Dame Arbuthnot of Findowrie” mentioned above.

and y^r foirsaidis be enterit to y^e peacabill possessioun of y^e saidis landis beginand y^e first yeiris payment at y^e said feist of Witsonday last bypast with spetiall alwayis restricted prouisioun and conditioun to be contenit in y^e said reversioun that giff it sall happine y^e said Mr Andro or his foirsaidis at any tyme efter y^e outruning off y^e saidis thrie yeiris to requier y^e said Erll or his saidis apone y^e premonitioun off four score dayis preceeding ane feist or terme of Witsonday to redeme y^e saidis landis principall and warrandyce that than y^e said Erll and his foirsaidis sall redeme y^e same wpone y^e last of y^e saidis foirscore dayis wtherwayis y^e same free thynce furthe na wayis to be redemabill bot be payment off y^e foirsaid sowme off ane thousand merks mōe foirsaid togedder with ane letter of tak conteanand balzerie off y^e saidis landis teynd and stok for y^e space off thretteine yeiris inſt and imediatlie following y^e redemptioun for yeirlye payment of tuantie pundis maill allanerlie and y^e said Erll obleiss him and his foirsaidis to caus y^e said Williame Cowlie and occupieris of y^e ground quhatsumever as cautioners seuerteis and full debtors for and w^t y^e said Erll becum actit in y^e Commissioners buikis off Brichane or shereff buikis of Kincardine for yeirlye payment to y^e said Mr Andro and his saidis of y^e foirsaid sowme of ane hundrethe merks yeirlye during the last tua off y^e saidis thrie yeiris And forder it is finallie agreit betuixt the saidis p^{ties} that the saidis landis sall na wayis be haudine lafullie redemeit q^{ll} y^e haill byrounis sic as happinis to be restand awand y^e tyme of y^e redemption be compleitlie peyit & delyuerit w^t y^e said principall sowme of ane thousand merks And for y^e mair securetie baithe y^e saidis p^{ties} content and consentis y^t thir presentis be regrat in y^e Comissaries buikis of Brechine or buikis of our seuerall lords Counsaill w^t executorialls to pas y^rone in maner foirsaid and to that effect maks &

constitutis and ilk ane of thame coniunctlie
 & seuerallie thair veray lawfull and irrevocable procura-
 tours in uberiori constitutionis forma etc In witness q^toff
 they haue subscriuit thir presentis w^t y^r handis day yeir
 and place foirsaid w^rtin be Alex^r Middiltoun no^r publict
 befor thir witness Mr^{is} Johne and Georg Douglas
 brether to y^e said erll Robert Grahame seruitor to y^e said
 erll Gilbert Dowie ¹ burgess of A^bd and y^e said Alex^r
 Middiltoun notar publict w^rter heiroff at Pitdrichie and
 Litalfiddes y^e nynt of Junij y^e yeir of God abourytin
 subscriuit be my Ladie Countes of Angus and Sara
 Strathauchin foirsaid before thir witness Joⁿ Patton in
 Ferrochie Roger Strathauchin in Glithnow Robert
 Lindsay W^m Cowlie in Mickilbarras Alex^r Symson
 w^rter heirof and Robert Neilson notter publick

V^m erll of Angus

MR ANDROW ARBUTHNOT w^t my hand

Elizabeth cuntes of Angus

ROGER STRATHAUCHAN witness

MR G DOUGLAS witnes

ALEX^R SYMSON witness

MR J. DOUGLAS vitnes

WILLIAM COULIE witness

ROBERT LYNDSEY witnes

JHON PATTONE vytnes

GILBERT DOWY wittnes

ALEX^R MIDDILTOUN no^t publict

w^rter heiroff witness

ROBERTUS NEILSONE Not^{rius}

publicus manu sua.

¹ Probably the Gilbert Dowie who in 1598 took part with Mr. John Cheine of Fortrie and others in an attack upon Mr. George Abercromby, agent for the King's Treasurer, at the south end of Auld Aberdeine, when they "cruellie invadid the said compleinar behind his bak for his slauchter, & hurt & woundet him in the

Abstract.—CONTRACT between Williame Erll of Anguss, Lord Duglas and Abernethie etc. for himself and taking burden on him for Dame Elizabeth Oliphant Countes of Anguss his spouse on the one part, and Mayster Andr Arbuthnot, apparent of Litel Fiddes, for himself and taking burden on him for Sara Strathauchine his spouse on the other part, whereby the said Erll acknowledges receipt from the said Mr Andro of the sum of 1000 merks Scots and binds himself to infest the said Mr Andro and spouse in the town and lands of Farnybrae with common pasturage and liberty of fuel out of the moss of Barras and the teinds during the time of the wadset : the said Mr Andro being bound to grant letter of reversion on the usual terms and to fulfil the usual obligations when repayment is made : Subscribed at Aberdein Pitdrichie and Litel Fiddes 9th June 1598.

IV

The Testament testamentar and Inventar of the guides geir and debtes of Wmq^{ll} Mr Johne Dowglas of Barras within the parochine of Kinneff & Sheref-dome of Kincardyne the tyme of his deceis quha deceissit wpon the fyfteint day of Merch jai vj^e and auchtein yeirs faithfullie maid and guven vp be Jeane Fraser his relict & executrix nomt be the said Wmq^{ll} Mr Jon in his lre will wnderwiein concerneing the debtes awand be him and Inventar of his guides and geir and pairtlie made and guven vp be himselfe speikand vpon the xij day of Merch yeir foirsaid concerneing the debtes awand be him and nominatione of his executores.

In the first the said Jeane Fraser relict & executrix forsaid guives vp the said guides and geir following of hind heid to the grit effusioun of his bluid."—"Reg. Privy Council," Vol. V, p. 77.

the pryce spēit To wit Tuantie tua drawin oxin pryce of the peice ower heid xiiij lib vjs viij^d Summa ij^clxxvj lib xiijs iiij^d Item nyne ky and ane bull pryce of the peice ower heid xiiij lib vjs viij^d Summa j^cxxxiiij lib vjs viij^d Item nyne young nolt of tua yeirs auld and yeir aulds pryce of the peice ower heid four pund Summa xxxvj lib Item of sheip young and auld fyw scor pryce of the peice ower heid xl^s Summa ij^c lib Item Four wark naiges & meires pryce of the peice ower heid xx lib Summa lxxx lib Item Sawin in the grownd sen the defunctis deceis four scor bolls aittes estimat at the third curne¹ extending to twalfe scor bolls aittes pryce of the boll ower heid iij lib Summa vij^cxx lib Item Sawin in the grownd saxtein bolls beir estimat at the feird curne extending to thrie scor four bolls pryce of the boll iij lib Summa ij^cvj lib Item In witicell & domicell estimat at tua hundreth punds ij^c lib Summa of the Inventar jaiviiij^clij lib

Debtes awand to the deid

In the first Be Adam Ker for his ferme crop 1617 yeires Saxtein bolls ferme meall pryce of the boll iij lib vjs 8^d Summa liij lib vs viij^d Item Be Arch Spark for his occupatione of Barclay syde xiiij bolls ferme meall pryce of the boll iij lib Summa xliij lib vjs viij^d Item Mair be him threttein bolls beir pryce of the boll iij lib Summa liij lib Item Be Margret Barclay relict of Wmq^{ll} Wm Cowlie for his fermes Crop foirs^d threttein bolls meall pryce of the boll iij lib Summa xliij lib vjs viij^d Item Threttein bolls bear pryce of the boll iij lib Summa liij lib Item Be And^r Douce in Farniebray nine bolls meall for his ferme pryce of the boll iij lib

¹ *Curne* : a grain, a single seed. The writer estimates that the crop will yield a return equal to three times the value of the seed sown.

Summa xxxvj lib Item Be the said And^r mor Nine bolls bear pryce iiij lib inde xxxvj lib Item Be Jonⁿ Morysone for his ferme of the s^d Mr Jonⁿ his p^t of the Maines of Barras xxij bolls aittes Pryce of the boll iij lib vjs viij^d Summa lxxx lib Summa of the debtes iij^c lxxxx lib Summa of the Inventar and debtes ij^aiiij^c & xlij lib

Debtes awand be the deid guven vp be himselfe

In the first To Thomas Douglas burges of Aberdein¹ iij^c lib borrowit money conforme to his band iij^c lib Item to Mariorie Strachane relict of Wmq^{ll} David Grahame in Craigie² iij^clxvj lib xij^s iij^d Item to Mr Androw Arbuthnot of Littlefuthes conforme to his band iij^cxxxij lib vjs viij^d Item To Mr Rogar Mowat advocat in Ed^r iij^cxxxij lib vjs viij^d Item To David Lindsay in Crosbad viij^c lib Item To Johne Young in Montrois borrowit money j^cxxxij lib vjs viij^d Item To James Auchinleck in Drumlithie borrowit money conforme to ane band j^cxxxij lib vjs viij^d Item to the Ladie Arbuthnot Dame Marie Keith³ j^cxxxij lib vjs viij^d Item To Mr Patrik

¹ Thomas Douglas, burges of Aberdeen, appears in the Sheriff Court of that city as Cautioner for Arthur, Lord Forbes, and his tenants of Cowlie *v.* Wm. Forbes of Monymusk and his tenants of Dillab, 16th September, 1606.—New Spalding Club, "Aberdeen Sheriff Court Records," Vol. II, p. 93.

² The Grahams of Criggie (now known as Ecclesgreig), in the Parish of St. Cyrus, were of the Family of Morphie and held the lands till 1686, when they were acquired by Robert, son of James Burnett of Craigmyle, and nephew of the first Baronet of Leys.—New Spalding Club, "Family of Burnett of Leys," p. 87.

³ The Lady Arbuthnott, daughter of George, fifth Earl Marischal, and wife of Sir Robert Arbuthnott, father of the first Viscount, is designed *Margaret*, in her marriage contract, dated 23rd December, 1615.—"The Scots Peerage," Vol. I, p. 302.

Fraser his brother in law lxxvj lib xiijs iiij^d Item To Joⁿ Kennartie in Drumlithie lxxvj lib xiijs iiij^d Item To Margaret Wobster servant woman to the said Mr Joⁿ Dowglas borrowit money lxxvj lib xiijs iiij^d Item to Jane Wat relict to W^m Soutar in Chappelthouse of Barras borrowit money liij lib vjs viij^d Item to Mr Thomas Carnegill¹ for ane yeirs fie xlvj lib xiijs iiij^d Item To Joⁿ Hill servand of fie & bountay viij lib Item To Ro^t Donaldsone servand man of fie & bountay vj lib Item Mair to the said Margrat Wobster for hir fie ij lib Item To the Minister of Kinneff² for ane yeires teind silver xxiiij lib Item To Kathren Paull servand woman of fie & bountay ij lib Item to Charles Dune litster³ in Aberdein xliij lib viijs Item to James Clark in Stainhaw xl lib xs Item to Robert Burnet in Aberdein jc lib Summa of the debtes iijaijcxij lib xjc iiij^d Sua the debtes excedes the geir in ixclxxj lib xiijs iiij^d

Followes the letter will

The Testament lre will & Legacie of the richt hono^{ll} Mr Johne Dowglas of Barras maid at his awin dwaling hous in Barras the tualfe day of Merch jai vic and auchtein yeires befor thir witness Joⁿ and Gawin Dowglass sones to the said Mr Joⁿ & Joⁿ Hill his servitor James Auchinleck notar Mr Thomas Carnegill School Mr at Barras In the first the said Mr Joⁿ being seik in bodie but quholl and perffit in memorie and senss committes his saull to God assuring himselfe of salvatione through the richteous merites of our Saviour Jesus Christ and ordaines his corpes to be honorablie buried

¹ Mr. Thomas Cargill, schoolmaster at Barras, was appointed minister at Caterline prior to 1623, and subsequently acted as clerk to the presbytery of the Mearns.

² Mr. James Rait, translated from Caterline in 1615.

³ *Litster*: dyer.

according to his estat in his fatheres burial plaice in the qweir of Glenbervie Item he nominates and constitutes Jeane Fraser his spous his onlie executrix and wniwersall intromissatrix with his haille guides and geir and to be tutrix testamentar to his bairnes that ar minores and ordaines hir to giw vp particular Inventar of his guides and geir in respect shoe hes best knowledge Item he leiwes in legacie to the puir in the parochine of Kinneff ten pundis Item to the puir of the parochine of Glenbervie ten pundis Item he leiwes in legacie to Johne Hill his servitor the holl cloathes he weires daylie on his bodie with ane plaid. As to the Inventar and Compt of the particular debtes awand be the said Mr Johne the samyne followes Item imprimis to Thomas Dowglas Burges of Aberdein sax hundreth merks borrowit money conforme to his Band Item to Mariore Strachane relict of umq^{ll} David Grahame in Craigie sewine hundreth merks Item to Mr Andrew Arbuthnot of Littelfuthes fyve hundreth merks conforme to his Band Item to Mr Rogar Mowat Advocat in Edr fyw hundreth merks Item to David Lindsay in Crosbad twalf hundreth merks Item to Johne Young in Montrois tua hundreth merks borrowit money Item to James Auchinleck in Drumlithie tua hundreth merks borrowit money conforme to ane Band Item to the Ladie Arbuthnot Dame Marie Keyth tua hundreth merks Item to Mr Patrick Fraser his brother in law ane hundreth merks Item to Joⁿ Kennartie Drumlithie ane hundreth merks Item to Margrat Wobster servand woman to the said Mr Johne Dowglas ane hundreth merks borrowit money Item to Janet Wat relict of Wmq^{ll} W^m Sowtar in Chapeltoone of Barras four scor merks borrowit money Item to Mr Thomas Carnegill School Mr at Barras for ane yeires fie thrie scor ten merks money. Item to Johne Hill servand to him of fie and bountay aucht

punds Item to Rob^t Donaldsone servand man of fie and bountie sax punds Item mair to the said Margrat Wobster xl^s Item to the Minister at Kinneff for ane yeires teind silwer and wicarage xxiiij lib Item to Kathren Paull servand woman of ffie xl^s Item to Charles Dune Litster in Aberdeen xliij lib viij^s Item to James Clark in Stainehaw xl lib. x^s Item to Robert Burnet in Aberdein, j^c lib Item the said Mr John leawes his pairt of the guidis and geir that fallis to him his debtis being peyit to Jeane & Elizabeth Dowglass his dauchteres equallie betwixt thame and ordaines the said Jean Fraser his spous to haw ane speciall care of wpbringing of his bairnes at schooles as they ar pñtlie and ordaines his eldest sone Jo. Douglas to haw ane faitherlie care wpon his brothers & sisteres anent y^r educatione and to be ane protector to thame in all thair honest adoes¹ Suafoisis the said Mr Johne his lře & legacie, subscriyvit with his awin hand day yeir and plaice & in pñs of the witness befor spëit sic subscribitur Mr J Dowglas J Auchinleck notar publick wryt^r heirof witnes Mr Thomas Carnegill witnes Johne Dowglas witnes Gawin Dowglas witnes Mr William Wemyss

I Mr James Wemyies Comisser of Sant andrewes deput to the Confirmatione of Testamentes wⁱⁿ the bounds of my jurisdictione be thir pñts ratifies approwes and confirms this pñt Inventarie & Testament abowreñ togidder w^t the testamentars ex^{rs} y^rin abow constitut in sua far as the samen is maid iustlie & trewlie guven vp and na wth^r wayes Lykas the saids ex^{rs} maid faith the said inventar is iustlie & trewlie maid & guven vp nathing omitit furth y^rof nor set wⁱⁿ be the just awaill y^rin conteinet And Mr Patrik Fraser Midbeltis becam catione that the haill guidis & geir y^rin Contenet salbe saiffe and

¹ *Adoes* : affairs.

furthercumand to all p̃ties hawand entres y^rto as law will
 And thairfor I be thir p̃nts committes full powar to the
 said executoris to intromit w^t the haill guids and geir
 abowrēin to call and persew y^rfor if neid beis and to
 outred creditoris y^rwith reservand most just compt and
 reckoning to be maid & guven vp be hir y^rof qⁿ or q^r
 she salbe requirit y^rto In witnes q^rof to thir p̃nts
 subscrivit be Johne Arnot my Clark of Court my seall
 of Office is affixit at St Andrewes the fyft day of Maij jai
 vj^c and tuantie yeirs Sic subscribitur Johne Arnott cl^k

This is the just coppie of the prin^{ll} confirmit
 testament of Wmq^{ll} Mr Johne Dowglas of
 Barras colationat be me James Auchinleck
 notar publick with the prin^{ll} to the q^{lk} thair is
 nothing eikit or paired¹ q^{lk} I testefie be this
 my subscriptione wnderwrēin

J Auchinleck Nor^{ius}
 public^{us} manu sua.

Abstract.—By the testament of Mr John Douglas of Barras dated 12th. March 1618, and who died on 15th. March 1618, his spouse Jean Fraser is appointed his only Executrix. A legacy of £10 is left to the poor of the Parish of Kinneff and £10 to the poor of the Parish of Glenbervie, and his body clothes to his servitor Johne Hill. After enumerating his debts he leaves his part of the goods and gear falling to him, his debts being paid, to Jean and Elizabeth Douglas his daughters equally and ordains the said Jean Fraser his spouse and his eldest son John Douglas as to the upbringing and education of the younger children. Mr Patrick Fraser of Midbeltis is named as cautioner in the Estate.

¹ *Eikit or paired*: added to or taken from.

V

*Contract Matrimonial Betuix George Ogilvie And
Elizabethe Duglas.*

AT BARRAS the last day of Januar ane thousand sax hundar threttie four yeiris it is appointit contractit finallie endit obleagit and agreit vpon betuix y^e pairteis following TO WITT Williame Ogelvie in Lumgar and takand the burden in and vpon him for George Ogelvie his lauchfull sone on the ane pairt and Sr Jhone Duglas of Barras knicht¹ and takand the burden vpon him for Elizabethe Duglas his lauchfull sistar and the said Elizabethe for her awin pairt and entrest on the other pairt THAT IS TO SAY the said George Ogelvie bindis and obleages him selff to Marie and to tak in mariage for his lauchfull spous the said Elizabethe Duglas and sall Godwilling solemnize and compleit y^e band of mariage withe her in face of holie kirk qⁿhowsone the ordour of ecclesiastik discipline sall permitt in contemplioun of the q^{lk} mariage and for y^e solemnization thairoff the said Sr Jhone Duglas bindis and obleages himselff his airis executouris and assignayis intromett^{rs} withe his landis rentis guidis and gear q^tsumewer thankfullie to content and pay to y^e said Williame Ogelvie his airis or assignayis all and haill y^e sowme off tvantie fywe hundar markis money of this realme at y^e feast and terme of Witsonday in this instant yeir of God jai vjc threttie four yeiris AT THE payment of y^e q^{lk} sowme y^e said Williame Ogelvie bindis and obleagis him his airis and assignayis to eik and lay y^rto the sowme off tvantie fywe hundar markis money makand in y^e haill y^e sowme of fywe thousand markis

¹ Mr John Douglas of Barras received the honour of Knighthood from Charles I at Holyrood, 17th June, 1633.—Balfour's "Annales," Vol. IV, p. 364.

money abowe wreattin the q^{lk} sowme of fywe thusand markis the said Williame Ogelvie bindis and obleages him and his forsaidis to wear bestowe and imploy vpon annuelrent or guid and weill haldin Landis equivalent to y^e yeirly dewtie to y^e annuelrent of y^e said sowme or vpon heretabill bandis or oth^r guid richt be the sicht adwyss off y^e said Sr Jhone Douglas and y^e said Williame Ogelvie for infestment and sasin and oth^r sufficient securitie to be had and takin y^roff to y^e said George Ogelvie and Elizabethe Douglas his futur spous the langest liwar off them tua in coniunctfie and the airis meall to be procreat betuix them q^{lk} failyeinge to y^e said George his airis q^tsumewer and qⁿhowoft y^e samin beis vplifit to be wearit bestowit and imployit of new again be y^e sicht and adwys of y^e said Sr Jhone Douglas and the said Williame Ogelvie to y^e vtilitie profit and commoditie off y^e said George Ogelvie Elizabethe Douglas his futur spous and y^r forsaidis And it is heirby prowdydit that the said coniunctfie infestment and provision of fywe thusand markis appointit to y^e said Elizabethe during hir lyftyme is and salbe in full satisfioun and contentatioun of all terce and third sche can ask or craue q^tsumewer that sall appertein to hir future spous the tyme of his deceas and q^tewer landis heretages or heretabill sowmes of money it sall happin the said George to conques and acquyr during y^e standing of y^e said mariage betuix him and his futur spous he faithfullie bindis and obleagis himselff and his forsaidis that y^e samin sall accress and appertein to y^e airis meall to be gottin betuix them and that he sall sua prowyd y^e samin in y^e wreattis and securities to be takin y^ranent And if it sall happin that y^r be no airis meall procreat betuix them in y^t caice the said George Ogelvie bindis and obleages him and his forsaidis to content and pay to y^e dochtaris to be procreat betuix them the sowmes following wiz : iff y^r be ane dochtar y^e sowme off tvantie

fywe hunder markis money forsaid And iff y^r be ma
 dochtaris than ane the sowne of fywe thusand markis
 moneye equallie amangs them to be pairtit and that im-
 mediatlie efter y^e deceas off y^r said mothar qⁿ it sall
 happin or at the age of fourtin yeiris And the said
 George Ogelvie & his future spous hes acceptit and
 acceptis y^e said dote and tochar appointed to be payit
 be y^e said S^r Jhone Duglas as said is in full and com-
 pleitt contentation and satisfaction off all thir bearnes¹
 pairt of gear or bandis or obligatiounes quhatsumewer
 q^{lk} thes ask or craue from the said S^r Jhone Duglas or
 his forsaidis q^roff the said George Ogelvie his future
 spous exoneris and simpliciter discharges the said S^r
 Jhone Duglas and his forsaidis simpliciter and for ewer
 AND for the mair securitie we ar content thir p^{ntis}
 be insert and registrat in the buiks of Counsall and
 Session to receaw the strenthe of ane decreit of y^e
 lordis y^roff that executioun off horning pointing and
 warding may pas y^rvpone and the horning to be vpon
 ane singill charge of sax dayis allanarlie And constitutis
 our procuratouris to compeir &
 consent heirto In witnessing q^roff we hawe subscriwat
 thir p^{ntis} wreattin be M^r Robert Miln notar day place
 and yeir of God abowewreattin Alex^r Straqⁿ off Fawsyd
 James Allardes in Ouercregie Robert Rait in Barras &
 M^r Robert Miln notar wreatt^r heiroff and Robert Erskin
 in Barras

JAMES ALLARDES witnes

M^r ROBERT MILNE

notar wreatt^r heiroff
 witness

ROBERT RAITT witnes

to ELIZABETH DOUGLAS

ROBERT ERSKINE witnes

to ELIZABETH DOUGLAS

S^r J DOUGLAS

W^m OGILUY

GEORGE OGILUY

ELIZABETH DOUGLAS

¹ *Bearnes* : children's.

Abstract.—MARRIAGE CONTRACT between George Ogilvy and Elizabeth Duglas whereby it is agreed between William Ogilvy in Lumgair and taking burden upon him for George Ogilvy his lawful son on the one part, and Sir Johne Duglas of Barras Knicht and taking burden upon him for Elizabeth Duglas his lawful sister and the said Elizabeth for her own part, that said Sir Johne shall pay to the said William Ogilvy the sum of 2500 merks and said William shall add thereto the sum of 2500 merks, making in all 5000 merks, which said William shall employ in annual rent or lands at the sight of the said Sir Johne, and that lands and money acquired by said George during the marriage shall accresce to the heirs male, failing which to daughters, if one daughter 2500 merks and, if more than one, 5000 merks equally among them to be parted after mother's decease or at the age of fourteen years : and that said George and his future spouse accept said dote and tochar by the said Sir Johne Duglas in full satisfaction of all the bairns part of gear. Dated at Barras 30th. January 1634.

VI

Discharge.—*James Andersone to Kathrine Strath-auchane and William Ogilvie of Lumgair.*

AT EDINBURGH the third day of Julij jai vjc & ffourtie thrie yeires IN PÑS of the Lordis of Counsell compeirit personallie Mr James King pro^r speciallie constitute be the dischairge wnderwrittin ffor James Andersone onlie lau^{ll} sone to vmq^{ll} Patrick Andersone sometyme in Wras and gaue in the same subscriyvit with his hand desyreing the same to be regrat in the buikis of Counsell & Session thairin to remaine ad



DWELLING-HOUSE OF WILLIAM OGILVY OF LUMGAIR IN
HIGH STREET, STONEHAVEN

futuram rei memoriam in maner thairincontentit q^{lk} desyr the saides Lordis fand ressonabill and thairfoir hes ordainet and ordaines the same to be regrat in their saidis buikis thairin to remaine ad futuram rei memoriam in maner spëit thairintill q^rof the tennor ffollowis I JAMES ANDERSONE onlie lau^{ll} sone to vmquhill Patrik Andersone sometyme in Wras be thir pñtis grant me to have receivit ffra Kathrine Strathauchin my mother relict of the said vmq^{ll} Patrik my father and William Ogilvie in Lumgair now hir spous for his enteres all and haille compleit payment contentatioun and full satisfacioun of all & whatsumevir guidis geir cornes cattell insicht plenisching debtis or sowmes of money I may ask claime or craive ffra the said Kathrine Strathauchan my mother or hir s^d spous for his enteres as executrix laufull confirmit to my said vmq^{ll} father or as intromessatrix wth his guidis & geir ather be legacie deidis thrid bairnes p^t of geir richt of successioun or any vther richt or titill q^tsumevir and als be the tenor heiroyf grant & confes me to have receivit befoir the making heiroyf fra the said William Ogilvie my father in law compleit pay^t contentation and full satisfacioun of all & q^tsum^r vther guidis geir cornes cattell insicht plenisching debtis and sowmes of money I my aires exe^{rs} or assigneys may ask claime or craive fra the said W^m Ogilvie his aires exe^{rs} or assigneys be deceas of the said Kathrine my mother qⁿ it sall happin ather be legacie deidis thrid bairnis p^t of geir ry^t of successioun or any vther maner of richt q^tsum^r and in lykmaner grant & confes me to have receivit ffra the said William Ogilvie Inst^t compt reckoning & payment of all & q^t sumevir comptis reckonings barganes blokis¹ buying & selling borrowing & lening betuixt him &

¹ *Blokis* : agreements.

me And of all debtis & sowmes of money restand be him to me for q^tsumevir caus or occasioun preceding the dait heiroy and thairfoir for me my aires exers assigneys exoner quytclaime & simplr dischaige the said William Ogilvie his aires exers & assigneys & all vthrs q^m it effeirs of the haille premiss for now & evir And obliges me & my foirsaidis to warrand this my dischaige guid valeid effectuall & sufficient to the effect abovewrin contrair all mortall as law will And for the mair Securitie I am content & consent that thir pñtis be insert & regrat in the buikis of Counsell & Sessioun or Sheref Court buikis of Kincardyne thairin to remaine ad futuram rei memoriam And to that effect constituts Mr James King my laull pro^r In witnes q^rof wrin be James Thomsone notar publict in wodheid I have subscriyvit thir pñtis wth my hand at Stainehevin the last day of Februar j^{ai} vj^c & threttie four yeires befoir thir witness Mr Ro^t Milne notar in Stainehevin & the s^d James Thomsone notar wryt^r heiroy Gilbert Keith officer Sic Subscribitur J Andersone J Thomsone witnes & wryter heiroy Gilbert Keith witnes Extrac-
tum de libro actorum per me

ALEX: GIBSONE Cls: Reg:

Abstract.—Discharge by James Anderson, only son to Patrick Anderson, sometime in Wras, in favour of Katherine Strathauchane his mother, relict of the said Patrick, and William Ogilvy in Lumgair now her spouse, of his claims on his said mother as executrix of his father and of all count and reckoning betwixt him and the said William Ogilvy. Subscribed at Stonehaven the 28th day of February 1634.

VII

Extract.—Jeane Fraser hir Renunciatiōe hir lands of Barras.

Curia vicecomitatus de Kincardyne tenta in aula de Brigefuird vicesimo primo die mensis Novembris Anno Domini millesimo sexcentesimo trigesimo septimo per honorabilem virum Robertum Keyth de Quhytriggis vicecomitem deputatum dicti vicecomitatus sextis vocatis curia legitime affirmata

THE SAID DAY in presens of the sheref deput forsaid Compeirit judiciallie ane honorabill woman Jeane Fraser relict of wmq^{le} Mr Johne Dowglas of Wasterbarras now spous to Alex^r Lindsay of Brigefuird outwith the presens of the said Alexander Lindsay hir husband vncoacit compellit circumvenit or constranit in anie sort (quhairwpon shoe gawe hir corporall aithe) frielie of hir awin will Renuncit quytclaimet and dischairgit and be thir presentis frielie and voluntarie quytclames dischairges hir conjunctie terce lyferent richt or wther richt quhatsumewer entres claime propertie and possessione quhilk shoe oniewayes haid hes may hawe claime or pretend in anie sort in and to the landis called the Netherendtoun of Barras Midtoun of Barras Owerendtoun of Barras Barclayhill toun and lands callit Barras presentlie occupiet be Thomas Erskeine toun and lands of Fearniebray halfe milne and halfe milne landis of Barras halfe multures and sequeles of the said milne teindscheawes vicarages and small teinds of the fornamet haill particular townes and landis with all and sundrie thair anexis conexis maneir places houss biginges orchardes yeardes pairtes pendicles and pertinentes belonging thairto or anie pairt of the saides townes and

lands and wtheres befor specifiet all lyand within the parochen of Kynef barany of Barras and Sherefdom of Kincardyne to and in fawors of Mr Johne Dowglas of Barras Knight his eldest lawfull sone his airis and assignayes quhatsumewer and that for performance of ane pairt and conditione of ane contract and appointment institute and past betuixt the said Mr Johne one the ane pairt and the said Alex^r Lindsay his spous with hir consent and assent and shoe for hir entres on the wther pairt quhilk contract is of the dait At the

day of the yeir of God jai sax hundrethe threttie yeires Quhilk contract the said Jeane Fraser ratefies allowes & approwes in the hail heides and clauss thairof and obliss hir newer to cum in the contrar of this hir renunciacione judicialle nor wth^r wayes in anie tyme cumeing but sall hald the same firme and stable renuncand be thir presentis all exceptiones & previledges of law maid and introduct in fawors of weamen quherby shoe mey come in the contrar hei of Quhairwpon the said Mr Johne Dowglas crawed Act of Court and instrument Lykas the said Jeane Fraser hes subscriyvit thir presentes Sic subscribitur Jeane Fraser Extractum de libris Regri vicecomitatus de Kincardyne per me Jaccobum Auchinleck scribam ejusdem subscript

J. AUCHINLECK Notarius publicus.

Abstract.—RENUNCIATION by Jeane Fraser relict of Mr Johne Douglas of Wasterbarras, now spous of Alex^r Lindsay of Brigefurd, in favour of Johne Douglas of Barras her eldest son whereby she appeared outwith the presence of her husband and renounced and discharged her conjunct fee terce liferent right in and to the lands of Netherendtoun of Barras, Midtoun, Overendtoun Barclayhill, toun and lands of

Barras, and Fearniebray, halfmill and mill lands, mul-
tures etc. to and in favour of said Johne and that for
performance of part of a contract betuixt said John and
the said Alex^r Lindsay—which Contract the said Jeane
Fraser ratified and approved Dated at Brigefurd 21st
November 1637.

VIII

*Dispositione—Alex^r Lyndesay and his spous to Robert
Dowglas.*¹

BE IT KENNED till all men be thir pñt lřes we
Alex^r Lyndesay in Brigfurd w^t adwyse and consent of
Jean Fraser my spous and me y^e said Jean for my self
w^t consent of my said husband and wes bothe w^t ane
consent and assent And me y^e said Alex^r takand burd-
ing on me for my said spous Thatt forsumickle as be
contract maid betuixt Robert Dowglas of Brigfurd and
Ro^t Keithe² noneald on³ the ane and wther pairtis of y^e

¹ Eldest son of Mr. Gavin Douglas of Bridgeford, co-portioner
with his brother, Mr. John Douglas, of the lands of Barras. As
shown in this Disposition, Elizabeth Keith, wife of Mr. Gavin, sub-
sequently married Mr. Archibald Wood of Hilton.

² Robert Keith, Writer to the Signet, resided in the Burgh of
Cowie. A strong Covenanter, he was seized by the followers of Lord
Huntly in July, 1639, and carried prisoner to Berwick, while his wife
and children, "the rage and crueltie of the saides enemyes being so
violent and cruell," were forced to seek protection in Dunnottar
Castle. In removing thither an untoward accident befell them
which he thus describes—"My said wyffe haveing put in ane boat
ane number of my plenishing & writes to have bene transported from
Cowie to Dunnoter for saifeing therof from the enemyes Throw the
tempestuousnes of the weather the said Boat was cast away & my
haill plenishing & writes with the men that were therein wes perished."
—"Acts of the Parliaments of Scotland," Vol. VI, Pt. 1, p. 358.
Keith died prior to 1649.—*Ibid.* Pt. 11, p. 329.

³ *Noneald*: minor.

dait the twantie sevine day of July jai vjc & threttie thre yeirs ffor y^e sowme of fywe thowsand and fywe hundrethe marks money thair contanit the said Rot Dowglas sauld annalziet and dispossit to y^e said Rot Keithe his airs and assigneys heretablie all and haill the lands & meanes of Brigfurd wt the pendicls y^rof callit Hooghelok wt the maner place thairoff houss biggings yeards orchards pairtis pendickls and pertinents of y^e samyn lyand wtin y^e sherefdom of Kincardin and obleist him to infest and sease y^e said Rot Keithe and his foirsds thairintill to be haldin and wt warrandice s^peit in y^e said contract q^rby y^e said Rot Dowglas maid and constitut y^e said Rot Keithe and his foirsds cessioners and assigneys to all takks and richtts of y^e teyndis personage and wicarage of y^e said lands And becaus y^e said Rot Keithe was debarrit fra y^e possesione of y^e saids lands & teyndis dewring y^e lyfytyme of Elizabethe Keithe mother to y^e said Rot Dowglas tharefore y^e said Rot Dowglas band and obleist him to mak payment to y^e said Rot Keithe and his foirsads off y^e sowme of fywe hundrethe and fyftie marks for y^e yeirlye dewtie tharoff dewring y^e lyfytyme of y^e said Elizabethe Keithe and wt redemptione of y^e saids lands be wertew of y^e reservatione contanit in y^e said contract q^rby y^e saids lands & teyndis ar appoyntit to be redemable fra y^e said Rot Keithe his airs and assigneys be payment to thame of y^e said sowme of fywe thowsand and fywe hundrethe marks and all byrun dewties of y^e said tack restand awand for the tyme in dew forme sett down in y^e said contract as in y^e samen containig diveres and sundries heads conditions artickls and clauss regrat in y^e buiks of counseall vpon y^e sevintein day of Julij jai vjc & threttie aucht yeirs at mair lenthe is rehersit Lykas Archibald Wood of Hiltoun husband to y^e said Elizabethe Keithe lyfrenter of y^e saids lands & teyndis be thir l^res of dispositione of y^e dait of twantie

day of Maij jai vj^c & threttie fywe yeires sauld & disponet to y^e saids Rot^t Keithe & his foirsaidis y^e lyfrent richt of y^e šds lands and teyndis pertaning to him jure mariti & band and obleist him to enter y^e said Rot^t Keithe and his foirsaidis to y^e possessione of y^e saids lands Lykas y^e said Archibald ratefeit and approwat y^e said contract in y^e haill heads and conditiones tharoff as y^e s^d lřes of dispositione at mair lenthe bears And in lyk maner y^e said Rot^t Keithe be his lřes of dispositione and assignatione of y^e dait y^e first day of Jry jai vj^c & threttie fywe yeirs sauld assignit and disponit in fawors of ws and y^e langest levar of ws twa in conjunctie our airs and assigneys tharin containit the foirsaid richt and titill of y^e said wodsett lands teyndis and pertinents tharof aboue spēit and maid and constitute ws and o^r foiršds sessioners and assigneys in and to the said contract and haill contents tharoff and in and to y^e said fornemit sowme containit thairin and in and to y^e said lyfrent richt of y^e saids lands and teyndis as y^e saids assignatione at mair lenthe bears conforme q^runto and to y^e said contract we are heretablie infest and seaset in y^e saids lands as our infestment and seasing thairof portts Lykas y^e said Rot^t Keithe be his lřes of assignatione of y^e dait y^e penult day of May jai vj^c & threttie aucht yeirs maid & constitute me y^e said Alex^r Lyndesay sessioner and assigney in and to y^e foirsaid yeirle dewtie of fywe hundrethe and fyftie marks containit in y^e said contract of y^e terme of Witsonday jai vj^c & threttie aucht yeirs and of all wther yeirs and termes than by-gane fra y^e dait of y^e said contract as y^e said assignatione at mair lenthe bears AND NOW SEING y^e said Rot^t Dowglas hes presentlie at y^e dait heiroy contentit and payit to ws y^e foirsaid sowme of fywe thowsand and fywe hundrethe marks containit in y^e said contract as also hes satisfied me y^e said Alex^r Lyndesay of y^e said

byrun dewtie of fywe hundrethe and fyftie marks and that for redemptione lawsing and outquytting fra ws and our foirsaid of the saids lands and teynds thairroff qroff we hold ws weill content satisfied and payit and for ws our airs exërs & assigneys quitclames & simpl^r discharges ye said Rot Dowglas his airs exërs and all wthers q^m it effeires of ye samyn for now and ewer **THAREFORE WITT YE WS BOTHE** w^t our consent & assent as said is to haue renuncit quytclamit and dischargit and be ye tenor heiroy renunes quitclames & for now and ewer simpl^r discharges fra ws our airs and assigneys q^tsumewer the foirsaid contract of wodsett of ye saids lands and teynds tharof w^t ye pertinents and richt of lyfrent tharof aboue spëit togidder w^t ye foirsaid assignatione & dispositione maid to ws thair of be the said Rot Dowglas and infeftment & seasine following tharvpon w^t the foirsd assignatione maid be me ye said Alex^r Lyndesay of ye said byrun dewtie aboue spëit of ye saids lands and teynds togidder w^t all richt titill entres clame of richt propertie and possessione heretable or wthervayes q^{lk} we had haue or onyvayes may haue ask clame or pretend in and to ye said lands and teynds tharoff houss biggings yards and pertinents of ye samyn aboue spëit or any p^t tharoff or of ye maills fermes proffeits and dewties of ye samyn of any yeirs bygane or to cum be wertew of ye said contract of wodsett lyfrent richt aboue rytin assignatione dispositione infeftment seasing and wther richts rexīue aboue rehersit maid to ws tharoff or be wertew of whatsumewer wther richts wreitts titills or securities whatsumewer maid in fawors of ws & o^r foirsaid or that may be interpreit in our fawors and be thir pūits declares ye šds lands and teynds tharof to be dewlie and lawlie redemit lawsit and quytoutt be ye said Rot Dowglas fra ws and o^r foirsaid and that the samyn shall remane and abyd w^t him as his awin prop^r

heretage fre of any crav clame or richt that we can pretend tharto and obbleis we and or foirsaidis to flitt and remowe orselfes and or foirsaidis fra y^e saidis lands and to enter y^e said Ro^t Dowglas to y^e peceable possessione tharoff houss and beggings of y^e samyn betux y^e dait heiroff and the last day of Junij instant and to y^e corne-field lands of y^e samyn at y^e seperatione of y^e cornes thairof as we be thir presentis declare that this pñt renunciacione salbe als guid valeid and effectuall to y^e said Ro^t Dowglas and his foirsaidis as iff y^e samyn had bein maid and grantit y^e terme of witsonday last bypast and for his furder securitie and that he may be reinfest in y^e saidis lands we have maid constitute and ordeyned and by y^e termes heirof maks constitutes and ordaines

and ilk ane of thame conly and severalie or very law^{ll} wndoubted & irrevocable ex^{ts} actors factors ward bearers and sp^ẽall messers to y^e effect under rytin giwand grantand & committand to them conly and severalie as said is our full power sp^ẽall command bidding and charge for ws and in or name to apeir before or imeadiate lau^{ll} superiors of y^e saidis lands or thair successors or before any vthers in thair nams hawand thair power and Commissione to resieue resignatione in thair nams and to grant infestments thairvpon whatsumewer day or days place or places convenient and thair w^t all dew reverence and as becums purelie and simplie be staff and bayton as vse is resigne surrender wpquyt and digress fra ws or airs and assigneys all and hail the saidis lands & Meanes of Brigfurde w^t the maner place thairoff houss bigginges yeards orchards pairtis pendickles and pertinents of y^e samyn legand as said is in the hands of the immediat superiors tharof or thair successors foirsaidis or any wther in thair names hawand thair power and commissione as said is in fawors and for new infestment

of y^e samyn to be maid and grantit to y^e said Ro^t Dowglas his airs and assigneys foirsaidis heretable in dew & competent forme as effeires Q^{LKS} all and hail y^e saids lands and Meanes of Brigfurd w^t y^e maner place thairroff hous biggings yeards orchards pairtis pendickles and pertinents of y^e samyn we be thir p^{nts} resignes surrenders wp gewes and o^r gewes fra ws our airs and assigneys in the hands of the said superiors and thair foirsaidis in fawors and to the effect aboue sp^{eit} togidder w^t all richt titill entres and clame of richt propertie & possessione q^{lk} we had thair or onyvayes may ask or pretend to y^e saids lands w^t y^e pertinents in any tyme cuming acts instruments and documents thairanent needfull to ask lift and rase etc And gen^{ly} all and sundrie wther thinges that to the office of procuratorie and resignatione in sik cases in law and consuetude of this realme necessarlie is known to pertain or that we may do o^r selves iff we war personallie p^{nt} permittin be y^e s^d forme & statute Q^{lks} renditione discharge and procuratorie of resignatione re^xieue aboue rytin I the said Alex^r Lyndesay bindes and vbles me and my airs to warrand to y^e said Ro^t Dowglas and his foirsaidis to be guid waleid & sufficient in tharsell fra myne my said spous and O^r foirsaidis owin proper factes and deads allenarlie becaus we declare that this p^{nt} procuratorie of resignatione salbe as guid and effectuall to y^e said Ro^t Dowglas & his foir^sds as iff he had beine infest & saset in y^e saids lands heirvpon befor y^e terme of Witsonday instantlie bypast AND FINALLIE I the said Alex^r Lyndesay obless me to caus y^e said Jean Fraser my said spous compeir judicialie befor y^e judge ordinar and out of my p^{ns} ratifie and approwe thir p^{nts} and giff hir oathe that she is novayes compellit y^rto AND for y^e mair securetie we are content and consent that thir p^{nts} be insert and regrant in the buiks of Cownsaill and Sessione

that lres and executorialls may be entered y^rvpon in forme as effeirs And to that effect constitutes

our laull prōrs promittentis de rato etc In witness q^rof we haue subscriuit thir pñts wreitin be Joⁿ Wishart notar publict withe o^r hands att Stanehyve this fourtene day of Junij the yeir of God jai vjc & fourtie ane yeirs before thir witness James Wood of Balbegnot James Burnet of Cragmylle Mr W^m David- sone of Ord y^e said Joⁿ Wishart

JAMES WOOD Witnes

A LINDESAY

W^m DAVIDSON Witnes

JEAN FRASER

J WISHART Witnes

J BURNET Witnes

Abstract.—DISPOSITION by Alex^r Lyndsay of Brigfurd and Jean Fraser his spouse in favour of Robert Douglas of Brigfurd whereby in consideration that, by contract between said Robert Douglas and Robert Keith of date 27th July 1633 for sum of 5500 merks said Robert Douglas dispoⁿed to said Robert Keith the lands of Brigfurd and payment of 550 merks during life time of Elizabeth Keith, with clause of redemption of said lands: And Archibald Wood of Hiltoun husband of said Elizabeth Keith dispoⁿed the liferent right to said Robert Keith; and further that Robert Keith assigned the said Alex^r. Lyndsay and Jean Fraser his spouse her right to the said wadset, and that said Robert Douglas has paid to them foresaid sum of 5500 merks and byrun duties, they discharge the foresaid contract of wadset and declare said lands redeemed. Subscribed at Stanehyve the 14th day of June 1641.

¹ Mr. William Davidson of Ord and Carny was appointed Sheriff Depute of Aberdeen in 1629. He had this office confirmed to him for life in 1637, but ten years later was deposed as "ane malignant" by the Committee of Estates and subjected to a fine of 3000 merks.—New Spalding Club, "Aberdeen Sheriff Court Records," Vol. II, p. 535.

IX

*Francis Ogilvy of Newgrange "To ye Richt honorll
Georg Ogilvy off Baldovie."*

RICHT HONORLL & LOWING FREIND

I dout not bot ye remeber yt I spak to you long sens anent your bargan off Baldovie so iff ye retein yt humor as yet I hoipe ye will do me ye fauor to lat me heiff ye first loiss y^roff.¹ In good feithe it is not as I sauld you for my selff, bot for suche a freind yt iff I wald tell you his nam ye wald do him yt fauor as to mak him your merchand befoir any wther in all Angous.² Ye sall heiff ethere reddie mony or securitie to your contentmet off ye best in ye schyr. I am to go northe wthin thir ten or tuoal dayes and sall cum and get ane nichtis meet from you q^r we sall deill moir particularlie in your awin hous ane^t yis meter. Thus to yt tyme and euer I rest

Your lo redie to serve you

FRAN: OGILUY

Sr I know you are gridie and in sum mo direct way I sall do my best to giff you sume odis q^{lk} ye luiff werie weill

Brakie ye 8 of Agust 1642.

As ye heiff peyit me compleitlie & honestlie for theis lands by Gods grace ye salbe als weill peyit.

¹ *Loiss* : praise. As here used the phrase "ye first loiss" evidently means "the first offer."

² We learn (*infra*, p. 298) that the friend referred to, and who became the purchaser, was James Ogilvie of Shannalie, Sir George's cousin. Shannalie appears to have surrendered Baldovie a year later, when it passed into the possession of his brother, John of Balfour, and Catherine Lyall his spouse.—"Reg. Mag. Sig." (1634-51), No. 1429.

X

*Tack—Erle of Mershell to George Ogilvy and his
spous, of Neather Craigie.*

AT EDINBURGH the third day of Julij jai vjc
ffourtie thrie yeires IN PÑS of the Lordis of Counsell
compeirit personallie Mr James King pr^{or} speciallie
constitute be the letter of tak vnd^r writtin ffor W^m Errell
of Mershell Lord Keith of Altrie and gaue in the same
subscryvit with his hand desyring the same to be insert
and regrat in the Buikis of Counsell & Session to
have the strenth of ane decreit of the Lordis thair of
that l^{res} and executorialls may be direct thairvpon in
maner thairinmentonat Quhilk desyr the saides Lords
fand ressonabill and thairfoir hes ordainet and ordaines
the same to be insert and regrat in their buiks and de-
cernes the same to have the strenth of their decreit
and ordaines l^{res} & executorialls to be direct y^r vpon in
maner sp^ēit thairintill quhairof the tennor ffollowis BE
IT KEND till all men be thir pñt l^{res} we William Erle
of Mershell Lord Keith and Altrie ffor guid trew and
thankfull service done and to be done to ws be o^r louitt
George Ogilvie in Neather Craigie And als for the
maill and dewtie vnderwrittin to have sett and in tak
and assedatioun lettin and be the tenor hei of settes
and in tak and assedatioun lettis to the said George
Ogilvie and Elizabeth Dowglas his spous and to the
langest leivar of them tua and to the aires lauffullie gottin
or to be gottin betuixt them quhilks failzieing to the
said George his neirest and lauffull aires assigneyis sub-
tennentis and helpis ane or mae of na hier degrie nor
thameselvis all and haill our toun and landes of Nather
Craigie with the houss biggingis yairdis outsettis toftis
croftis pairtis pendicles priviledges and pertinentis quhat-

sumevir belonging y^rto as the same is pⁿtlie occupyit and possest be the said George and his subtennentis with moss mures meadowes leasoures Comounties and comoun pasturages useit and wont together with the teind sheives & personage teindis of the said toun and landis wth the pertinentis includit y^rwith lyand within the barony of fletteresso parochin of Donoter and sherefdom of Kyncardin And that for all the dayes space yeires and termes of the said George and Elizabeth his spous and the langest leivar of thame tua and thaireftir ffor all the dayes space yeires & termes of tua yeires nixt and imediatlie following the deceiss of the langest leivar of the said George and Elizabeth his spous beginand thair entrie thairto at the ische outruning and expyreing of the pⁿt tak and assedatioun q^{lk} the said George hes of the saidis landis and otheris above writtin with the pertinents maid sett & grantit to him thairof be Dame Marget¹ Erskyne Lady of Merchell elder our mother conjuncfeare as the leist lyfrantrix y^rof dureing her lyfytyme in manner thairinconteinit and thaireftir to continew and endure And all & hail the yairdis toun landis teindis and others abovewrittin with the pertinentes to be peaceablie bruikit joyseit possest occupyit labourit manureit and vseit be the said George and Elizabeth his spous and langest leivar of them tua dureing their lyfytymes and thaireftir be their saidis aires assignayes subtennentis and helpis fairsaidis dureing the said space of tua yeires as the same lyes in lenth and bredth in houss biggingis feildis boundis pastures leasoures medowes mures moss with commontie commoun pastures and vth^r liberties & priviledges useit and wont with ffrie ische and entrie thairto and with all and sundrie vther friedomes comodities and richteous

¹ Marie.—*v. supra*, p. 150.

pertinentis thairto perteining ffriellie quyetlie weill & in peace but ony revocatioun contraditioun obstacle impediment or againe takeing quhatsumevir with power to the said George and his spous the langest leivar of thame tua and their foirsaidis to sett rais remove outputt and inpuitt tennentis in the saidis landis and wthers abovewrittin with the pertinentis dureing the spaces rexiue foirsaidis and to mak wairningis and to persew and obtain decreittis of removeing thairvpoun in thair awin names payand yeirlie the saidis George Ogilvie and his spous the langest leivar of them tua and their foirsaidis to ws our aires & success^{rs} ffactores and chalmerlaines in our names for the said toun and landis abovewrittin with the pertinentis the soume of tuentie pundis Scottis money at tua termes in the yeir Witson-day & Mertimes in winter be equall portiounes And for the teind scheives of the saidis landis with the pertinentis the soume of ffour pundis of teind silver yeirlie at the termes of pay^t useit and wont with the releiff of the stentis & taxatiounes of the saidis landis and teindis as accordis pro rato Together wth the said George Ogilvie and his aires their awin bodilie service as they salbe imployit vpoun our ressonabill expenss dureing the space foirsaid allendarlie Quhilk tak and assedatioun abovewrittin wee bind and obleis ws and our foirsaidis to warrand to be guid valeid & sufficient to the said George his aires and their foirsaidis dureing the spaces foirsaidis in all be all thingis as is abovewrittin at all handis & againes all deidlie consenting to the regration heirof in the buikis of Counsell & Sessioun thairin to remaine and receive executioun in forme as effeires And to that effect constitutis Mr James King our procuratour promitten de rato. In witnes q^rof wee have subscrivrit their pñtes wth o^r handis writtin be Mr William Henrysone servitor to Robert Pringill wryt^r to

His Mâties Signet at Inverugie the tuentie thrid day of Sepr j^{ai} vj^c & ffourtie tua yeires befor thir witness James Ramsay John Hamilton and William Donaldsone our servitors Sic subscribitur Marschall John Hamilton witnes J Ramsay witnes William Donaldsone witnes. Extractum de Libro Actorum per me

ALEX: GIBSONE Cls. Regri:

Abstract.—TACK by William Erle of Mershell to George Ogilvy in Neather Craigie and his spouse, for good true and thankful service done by him, of all and haill the town and lands of Neather Craigie lying within the Barony of Fetteresso, Parish of Dunoter and Sherifffdom of Kyncardine, for all the days of the said George and Elizabeth and the longest liver of them, paying yearly the sum of £20 Scots money and for the teind sheaves the sum of £4 of teind silver yearly, together with bodily service. Signed at Inverugie 23d September 1642.

XI

Obligation—James Ogilvy of Shannalie to George Ogilvy of Baldovie.

I James Ogilvy of Shannilie be the termes heiroy binds and obliess me my airis and exêrs to George Ogilvy of Eister Baldovie his airis exêrs and assigneys quho hes now disponit to me y^e saids lands that I sall observe and kepe to Olipher Burn in Holme and Margt Blair his spous the tak sett to them be Francis Ogilvy of Newgrainge of y^t p^t of y^e Greinmyre of Baldovie w^t y^e teynd sheives y^roff includit sumtyme occupyet be Andro Ogilvy for yeirlye pay^t of foirscoir merks att Witsonday and Mertimes proportionallie q^{lk} tak is of y^e dait y^e sevint of Junij j^{ai} vj^c & threttie nyne and y^t I sall observe and kepe to Andro Ogilvy the tak sett to

him of y^e Bauk of Baldovy as als of y^t p^t of y^e s^{ds} lands of Baldovie callit the holm Comprehending Auchmudlie-fauldes with y^e teynd sheives y^roff includit be y^e s^d Francis Ogilvy of Newgrainge for yeirly pey^t of tua hundrethe thriescoir sextein merks money foirs^d att Witsonday and Mertimes proportionallie with tua dissonne of pultrie foules yeirly att Mertimes and performing the remanent conditionis of y^e s^d tak q^{lk} is of the dait y^e seventein of Jnry jai vj^c & threttie nyn yeirs and that during the haill space yeirs and termes yet to come and run of the spaces and yeirs rexiue spēyt in the saids taks And siclyk I haue given and grantit and be yir pñts gives and grantis power and libertie to the said George Ogilvy to hold Courts upone any p^t of the saids lands betuixt and witsonday nixt for recouering detts and sentences aganes y^e tennents of y^e s^{ds} lands for y^e by-gane fermes and dewties y^roff restand to him And for y^t effect to creat bailyies clerks officers dempsters and withers members of Court needfull and genarillie all and sundrie vther things to doe exerce and vse y^ranent y^t He nicht heave doone befor y^e alienatioun to me of y^e s^{ds} lands In witnes q^roff I heave sub^t thir pñts (written be Walter Lyell Clerk of Montrois) att Montrois the tuentie nynt day of Merche jai vj^c and fourtie thrie yeirs befor yir witness y^e s^d Walter Lyell and Rob Clerk Mer^d burges of Montrois

ROBERT CLARK Witnes

J OGILVY

WALTER LYELL Witnes

Abstract.—OBLIGATION by James Ogilvy of Shannilie to George Ogilvy of Eister Baldovie (who has now disposed to the said James the said lands) to observe and keep to Olipher Burn in Holme and Margaret Blair his spouse the tack set to them by Francis Ogilvy of Newgrainge of that part of the Greenmyre

of Baldovie sometime occupied by Andro Ogilvy for yearly payment of 80 merks, and to observe and keep to Andro Ogilvy the tack to him of the Bauk of Baldovie and the Holme comprehending Auchmudlietauldes for yearly payment of 276 merks, with two dozen poultry fowls yearly, with liberty to the said George Ogilvy to hold courts upon said lands up to Whitsunday next for recovering bygone debts etc. Dated at Montrois 29th. March 1643.

XII

*Renunciatioun—Jeane Fraser and Alexr Lyndsay hir spous in favoris of W^m Earle Merischell.*¹

AT ABERDEINE the second day of Juni jai vjc & fourtie thrie yeiris In pñs. of Maister William Dawid-sone of Cairny Sherefdeput of Aberdeine Compeirit Jeane Fraser spous to Alexr Lyndsay sometyme in Bridgfoord now of Birnes outwith the presence of hir said husband wncoactit or compellit circumwenut seducit or beguysit certiorat of hir richtis of ane deliberat mynd and purpois For fulfilling of that pairt of the lres obligatorie maid and subscriwit be the said Alexr Lyndsay hir husband of the dait at Aberdeine the tent day of July jai vjc & fourtie ane yeiris Regrat in the buikis of Counsell and Sessioun wpoun the sewnt day of Maij vjc & fourtie tua yeiris QUHAIRBY the said Alexr Lyndsay for him self and taking the burding in and wpoun him his airis and assigneyes for the said Jeane Fraser his said spous for hir richt title and entres to the landis wnderwreittin Renuncit Resignit frelie quytclamut simpliciter dischairgit and owergawe To

¹ Notice of this deed is entered in the Minute Book of judicial enactments of the Sheriff Court of Aberdeen.—New Spalding Club "Aberdeen Sheriff Court Records," Vol. II, p. 508.

and in faworis of ane nobill and potent Earl William Earle Merschell his airis maill and assigneyes quhatsumewer all and haill the toune and lands of Lumgair and Bissats hill with houss biggingis yeards toftis croftis annexes connexis pairtis pendicles commontis common pasturages and pertinents quhatsumewer togedder with the lyik power of casting winning and leiding of peittis and fewall in the mos of Clochnahill and Craigie as William Ogilvie of Lumgair and his subtennants hais beine in use to cast winn and leid thairin in tymes bypast withe the teyndis teynd scheawes personage and wiccarage all lyand within the sherefdom of Kincairdine AND SICKLYK band and obleist him his airis and successoris to caus the said Jeane Fraser his spous subscriuwe the saids lres obligatorie Containing the forsaid Renunciatioun with ane prōrie of Resignatioun and thairefter to compeir befor ane judge ordinar and thair outwith the presence of the said Alex^r Lyndsay ratifie and approwe the samen and gawe hir aith that shoe wes nowayes coactit nor compellit yrto as the saidis lres obligatorie beiring the said Renunciatioun and prōrie of Resignatioun in thaim selffeis mair fullie proportis Quilkis lres obligators the said Jeane Fraser outwith the presence of the said Alex^r Lyndsay hir husband be the tennor heirof not onlie ratifies and approwes the haill heids articles clauss and provitiones thairof with all that hes followit or mey follow yrwpown but sicklyik be wertew heirof renunes resignes frelie quytclaimes and simpliciter owergiwes to and in favores of the said nobill earle his airis maill and assigneyes q^tsumewer all richt and title aither of conjunctie lyfrent tearce or wther richt title and possessioun pettitor and possessor q^tsumewer the said Jeane Fraser hes haid or any wayes may claime or pretend to hawe at any tymes heirefter in and to the forsaidis toune and lands of Lumgaire Bys-

satis hill with houss biggings yeards toftis croftis annexis connexis priviledgis of casting winning and leiding of peittis and fewall in the saidis moss of Klocknahill and Craigie haill pairtis pendicles and pertinentis thair of lyand as said is togidder with the saids teynd scheawes personage and wiccarage y^rof with the contract chartoris precepts and instruments following y^rwpoun and all wy^{rs} richtis titles and secueries maid subscrivit & dellywerit to the said Jeane Fraser and hir said spous thairanent with all that hes followit or mey follow y^rwpoun Lyk as the said Jeane Fraser gave hir corporall and solemne aithe that shoe wes not coactit nor compellit to mak and subscribe this present renunciatioun and ratificatioun and that shoe sall never rework the samen reclaime y^r frae nor cum in the contrair heirof directlie nor indirectlie in judgment nor with out the samen at any tyme heirefter and renuncit all priviledges of the law introduct in faworis of woomen And immediatlie y^refter compeirit the said Alex^r Lyndsay and ratifiet and approvit his said spous ratificatioun and renunciatioun abowe wreittin and gawe his expres consent and assent y^rto wpoun the q^{lks} premiss the sheref deput forsaid interponed his auct^{rie} and thairwpoun Sir Johne Douglas of Barrace knight pr^{or}. for the said noble earle askit ane instruments sic subscribitur Jeane Fraser A Lyndsay Mr W Daidson sheref deput of Aberdeine Extractum de libris actorum curie vicecomitatus de Abd per me scribam principalem ejusdem subscript

MR J. CHALMER¹

¹ Mr. John Chalmer, son of Mr. George Chalmer, Sheriff Clerk and Burgess of Banff, acted as Depute Sheriff Clerk of Aberdeen to his brother Patrick, whom he succeeded in 1646.—New Spalding Club, "Annals of Banff," Vol. I, p. 57; *Ibid.* "Aberdeen Sheriff Court Records," Vol. II, p. 538.

Abstract.—RENUNCIATION by Jean Fraser, spouse to Alexr. Lyndsay sometime in Bridgeford now of Birnes, and the said Alexr. Lyndsay, in favour of William Earle Marschall, whereby said Jean Fraser, outwith the presence of her husband, compeared for fulfilling Obligation dated 10th July 1641 by which said Alexr. Lyndsay discharged and overgave to Wm. Earle Merschall the town and lands of Lumgair and Bissatshill and power of casting peats and fuel in the moss of Clochnahill and Craigie. Thereafter compearing Alexr. Lyndsay and ratified his said spouse's Ratification and Renunciation and thereupon Sir John Douglas of Barrase Knight, prør for the said noble Earle craved instruments. Dated at Aberdeine 2nd June 1643.

XIII

Declaration—*Sr Jon Douglas freindis in favouris of Georg Ogilvy.*

WE WNDER SUBSCRYVERS hawing tak in to our best considerationis the pñt estait of the rent and living of the air off Umqll Sr John Douglass of Barres and finding the samen as we ar crediblie informit to be burdingit and assessit wt the soum of ten thovsand pundis Scotis or thairby of prinll sovmes by and attour the byrun profiteis and annulrentis of the samen and wt the conjunct fie and lyfrent richt of his relict and pñt intertainment of sex children HAVE resolvit that the best vay for preservation of any being and subsistence to the said aire or provision for the remnant children and pñt peyment of his debtis must be the seall and disponing of his landis of Barres and thairfor doe heirby think most necessar the samen be pñtly sauld & disponit at the best worth and availl as the pñt raitis and prices rules quhilk we esteme may be tuentie thovsand pundis

scotis mōey and for the pñt satisfaction of the creditoris
 we doe heirby hartielie intreat Georg Ogiluy Fier of
 Lumgair to transact wt the creditoris and agrie wt them
 be the seight of the Laird of Morphie and Brigfuird or
 ather of them and to doe everie thing in the administra-
 tion and governament of the estait living and affairis of
 the air of the said Vmq^{ll} Sr John for releiff of his
 burdingis and debtis the satisfaction of the lyfrenter the
 maintenance of the childrene and his ovin securitie for
 reayment thairof Leikas we declare that we should
 be most willing the samen landis be disponit to the said
 Georg at the abouevrīn price and that he haue the
 preference befor vtheris giff he shall desyr the samen
 IN testimonie qrof we haue sub^t yir pñtis wt our handis
 at Edr and the tuintie fourt and
 dayis of Aprill in y^e yeir of God jai vjc &
 fourtie eight yeiris

WLL DOUGLASS

ANGUS

ALEX^R FRASER

R DOUGLASS

GRAEME of Morphie

J^S STRATHAUCHINS^R W DOUGLASSS^R J. DOUGLAS of GlenberuyROBERT DOUGLAS brother to
the said S^r John

JA DOUGLAS donatour consentes
 to the abowe writin declaration
 it being nowayes prejudeshell to
 gift whiche I have of y^e
 mariage

JA: DOUGLAS

XIV

*Contract betuixt Kathreine Straquhane and George
 Ogiluy hir Sone.*

Att Lumgair the last day off Januar the yeir off God
 jai sex hundreth and fiftie yeires It is appoyntit stractit

faithfullie oblidgeit finalie endit and aggrieth betuixt Kathreine Straquhane relict off v^mq^{ll} Williame Ogiluy of Lumgair on the ane pairt and George Ogiluy now of Lumgair hir sonne on the wther pairt in mainner forme and effect as efter followis THAT IS TO SAY the said Kathreine Straquhane foir the love and favor she hes and beiris to hir said sonne and foir the onnerous causs wnder writtin be the tennor thei^rof renunes resignes quytclames dischairgis and simplicitivlie ower-gives to and in favouris off the said George Ogiluy his airis and assigneys quhatsumewer all and haill hir lyverent richt and tytill off all and haill the tounes and lands off Lumgair and Bissatshill pairtis pendiculis and pertinentis thair^roff lyand wthin the parrochine off Dun-otter and sheref^rdome off Kincardine wth the full power to the said George Ogiluy and his foirsaidis quietlie to mell and intromet thairwth the occupie labor and manuir the samen set use and dispone thair wponne at his plesure in all tyme cuming but actioun^e off ejectioun^e intrusioun^e wrangous intromissioun^e or any deid of wrang to be suitet or persewit be the said Kathreine hir airis or ex^rs against the said George or his foirsaidis AND SICKLYK the said Kathreine Straquhane be the tennar hei^rof seasis assignes transferis and dispones to and in favors off the said George Ogiluy his sone and his foirsaidis all and haill hir just and equal thrid pairt off all and haill the mowable guidis and geir nolt sheip cornes cattell insicht plenneshing debts & sowmes of mōey or wther mowable guidis or geir pertain^g and belonging to hir wponne the said toun^e and lands off Lumgair or else whair (exceptand and reservand furthe and fra this p^{nt} dispositioun^e hir i^{ist} thrid pairt of all insicht and plenneshing within doris wth the hir haill bodilie clothes ringis signetis jewellis and wther orna-

mentis of hir bodie wth any troakis¹ she plies to nominat and chuse wthin the mainse of Lumgair) wthe full power siclyk to the said George and his foirsaidis pñtlie to mell and intromet wthe the saidis haill mowable guidis geir hors nolt sheip cornes cattell debts & sowmes off money insicht and plenneshing and wther guidis and geir whatsumeuer (exceptand as is abowe exceptit) sell use and dispone y^rwponne at his pleser as his awin proper guidis and geir but any actionne of spoyliatioune wrangous intromissioune or any deid of wrang q^{lk} actionnes the said Kathreine foir hir and hir foirseidid doethe heirby renounce for ewer and obledges hir selff and hir foirsaidis to warand this hir renunciatioune and dispositioune to be guid valiade effectuall and sufficient to the said George and his foirsaidis to the effect abowe wreittin wpoun the conditiounes and provissiounes efter mentiouat FFOR THE QLK CAUS the said George Ogiluy to be bund and obledget and be the tennor heiroyff faithfullie binds and obledges him selff his airis exẽrs and assigneyis thankfullie to content pay and delyuer to the said Kathreine Straquhane his mother she beand on lyff and failzieing off hir be decease to James Andersoune in Wras hir eldest laull sone his airis exẽrs or assigneyis all and haill the sowme off ane thowsand markis vsuall money of this realme off Scotland betuixt the dait heiroyff and the last day off Maij nixt to cum in this instant yeir off God j^{ai} sex hundrethe and feftie yeiris but longer delay fraud or guyll together w^t the sowme off thrie hundrethe markis mōey foirsaid of liquidate expenss in caice off failzie w^t the ordinary annuelrent of the said prin^{ll} sowme of ane thowsand markis yeirlye and dueliel conforme to the act of parliament ay and so long as the samen happines to

¹ *Troakis*: trifles.

be restand vnpayit efter the day of payment abowe spēit And siclyk to delyuer to the said Kathreine Straquhane she beand on lyve and failzieing off hir be decease to the said James Andersoune hir sone or his foirsaidis tuentie outcum sheip wiz wadders & yowis wnder the woll suche as the said James sall chuisse furthe amongst the outcum sheip in Lumgair wpoune the thrid or fourt day of May nixt to cum in this instant yeir of God abowe wreittin or thane ffortie shilingis money for ilk vndelyuerit wadder or yowe thairoff AND NOCHTWITHSTANDING of the abowe wreittin renunciatioune and dispositioun it is heirby speciallie prowiydit and declairit that the said Kathreine Straquhane sall hawe frielie the vse off the hall of Lumgair and all suche chalmers pantires & wther houss as is wtin the said hall dor thairin to mak hir actuall residence and dualing during all the dayis of hir lyfytyme wt the vse of ane litill byir that sall conteinet tua ky and thair followers wt the vse bennefeit and comodotie off the half of the kaill yaird of Lumgair during hir said lyfytyme q^{lk} hall chalmers byir & wther houss the said George and his foirsaidis sall vphauld wind and watter thicht to the said Kathreine during hir said lyfytyme and also that the said Kathreine sall have frie pastouradge to tua ky and thair calffis to pastour and feid yeirlye in the tyme of summer withe the said George his awine ky and calffis or withe any tennentis ky that sall happine to labor the Mainse of Lumgair and to be keipit be the said Georg or his said tennents hirds yeirlye and in the tyme off winter that she sall have also mutche stray yeirlye furthe of the said George or his tennents barnes in Lumgair as sall interteine and susteine the said tua ky and thair calffis or followers duiring hir lyfytyme AND FARTHER the said George Ogiluy binds and obledges him and his abowe wreittin thankfullie to content pay and delyuer

to the said Kathreine Straquhane his mother all and haill the number and quantitie off ane chalder cleine ait meill wt ane chalder off the best quhyit aitis that sall growe yeirlye in Lumgair withe aught bolls bear all guid and sufficient mer^d stuff togedder withe the sowme off ane hundrethe markis vsuall scotis mōey withe ane dussoune capounes and twa dussoun pultrie yeirlye and ilk yeir duiring all the yeirs of hir lyfytyme and to be payit yeirlye be equall portiounes bothe in wictuall and siluer at tua termes in the yeir witsonday and mertimes in winter the first termes payment thairoff to be and begine at the terme of witsonday nixt to cum in this instant yeir of God abowewreittin and sua furthe to continowe yeirlye and termelie duiring all the yeirs and termes of hir lyfytyme and to be delyuerit termelie wthin hir awine hous and barnes in Lumgair And in caice off failzie and not thankfull payment termelie as said is the said George obledges him and his foirsaidis to content and pay to the said Kathreine hir airis exērs or assigneys the sowme of tene pundis scots money foir ilk vndelyuerit boll of meill aits or bear rex^{ue} wt tene pundis scots mōey for ilk termes failzie of the mōey rent in caice it sall happin as also the said George obledgis him and his foirsaidis to causs cast wine leid and stak yeirlye wpone the peithill of Lumgair in dew seassoune also many peitts as sall serve the said Kathreine hir hous sufficient fyre duiring all the yeirs of hir lyfytyme wpoune the said Georg his awine chairgis & expenss Lykas the said George obledgis him and foirsaidis to warrand frie releive and skaithles keip the said Kathreine and hir foirsaidis at the hands of all hir said vmq^{le} husband his creditors and sall pay the haill debts and sowmes of money restand be hir said vmq^{le} husband the tyme of his decease and mak hir and hir foirsaidis

frie thairoff and sicklyk sall frie and relieve the said Kathreine duiring all the days of hir said lyfytyme of all taxatiounes spurtuall & temparall quarterings monthlie mantinance and publict dewes whatsumeuer leavies of hors or fuit or other taxtis alredie imposit or to be imposit wpoune the saids lands of Lumgair and Bissatshill wt the pertinents LYKWAYS the said George Ogiluy be the tennor heiroy foir him his airis and assigneys frielie and voluntarlie renunes quytclames and simpliciter dischairges all and whatsumeuer guidis geir debts sowmes of money and wther whatsumeuer the said George or his foirsaidis nicht ask clame or craiwe be any richt whatsumeuer be decease of the said Kathreine whane it sall happin fra hir airis exêrs or intromettors withe hir guidis and geir efter hir deceas except suche as she sall happin to leave to him in leagacie FINNIALIE it is heirby declairit that the said Kathreine sall remaine still as maistres of hir awine hous and sall have hir aliamenter sustentatioune y^rin as abefoir till the terme of witsonday nixt to cum in this instant yeir of God abowew^rttin at q^{lk} terme hir lyverent penshaine begines And for the mair securitie baithe the saids pairties are content and consents that thir pñts be insert and regratt in the buiks of Counsell and Sessioune to have the strenthe of ane dect of the lords y^roff that serv^{ce} and proces of poynding and horneing may follow y^rwpone (the one but preiudeice of the wther) wpone single chairge of six days alenarlie And to that effect constituts
coniuinctlie and seueralie
y^r lau^{ll} prôrs promittentes de rato etc In witnes q^rof (w^rttin be James Thomsone notar publict in Waster Cheine) baithe saids pairties hes sub^{uit} thir pñts withe thair hands day yeir and plaice abowe wreittin befor thir witness Rot Douglas broy^r german to vmq^{le} Sr Jon

Douglas of Barras Jon Strattoune servitor to the said Kathreine James Craford in Lumgair and Jon Erskyne in Barras

JAMES CRAFTORD witness

JOHN STRATOWN witness

Kathreine Straquine wt my hand at the pen led be the notar wnder wrtten wt my hand becaus I can not writ my selff Ita est Jacobus Thomsone notarius publicus de mandato dictae Kathreinae scribere nescientis ut asseruit ad hec requisitus manu propria

Ita est James Wyshart connotarius in premissis manu sua etc.¹

Abstract. — CONTRACT between Katherine Straquhane, relict of William Ogilvy of Lumgair, and George Ogilvy now of Lumgair her son whereby, for love and favour and for the onerous causes therein contained, she renounces and discharges her liferent of the towns and lands of Lumgair and Bissetshill in the Parish of Dunotter and Sheriffdom of Kincardine, and also her third of moveables (excepting plenishing etc. within doors, clothes, jewels etc.): the said George being bound to pay to his mother and, failing her by decease, to James Anderson in Uras her eldest son 1000 merks before May next, 1650, and to deliver to her or her said son twenty outcum sheep: the said Katherine Straquhane to have use of the Hall of Lumgair for a residence, and small byre with two cows and half of Kail yaird of Lum-

¹This deed is much worn, the final portion, which contained the signatures of George Ogilvy and his witnesses, having entirely disappeared.

gair with pasturage and straw for said two cows and oatmeal, bear, poultry, cast peats etc. for her house: the said George being also bound to pay the said Katherine's husband's debts at the time of his decease: the said George also discharging his claims by or through the decease of the said Katherine. Dated at Lumgair the 31st day of January 1650.

XV

Lord Seaforth, "ffor George Ogiluy of Barras."

Worthie covsing, that y^r hospitaletie should haue occasioned yo^r fyning ves onknowine to me whill I vnderstoode the same a day or tuo agoe. I cannot bot be senseble y^t for my caus yow should haue biene such a sufferer v^{ch} If I had knowine or thought when I did com to y^r hous I had saued the steats the pains of fyning yow & fried yow from the inconuenience. the singularetie & strangnes of the act I trust vill mak apeare vnto yow how innocentlie I haue biene the occasione of y^r hurte. for not being a declared intercomoned Rebell vho could expect any inconuenience to followe vpon my receptione. vhat Lawe could be furnished to prowte yow guiltie is not I belieue to be found in the records of o^r Kingdome. from the Lawe of Will y^r [is] no euasione for any vho hes not po^r to oppose. I regraite from my hearte y^t yow should be so put to it in retributione be confidente y^t vhat soume yow haue payed in y^t behalfe I acknouledge as ane debte owing by me w^{ch} I shall be no less cairfull to repay yⁿ if I had borrowed the same in reddie moneyes. at this distance profers of this natur may be thought a complement specialie the same bieing ane expressione of ane cleuded man yet I dispaire not to haue the oportunetie or I dye to reimburs vhat yow haue lente as a fyne. tell y^r honest vyfe y^t the merchand is

sorie that he hes com to so ill a mercat making hir as a partner so greate a loser dispaire vill not recouer the sam on mercate day may offer to mak vpp vhat is lost. If the sillie man be by yow comend me to him & showe Brigfoord yt I present my respects to him. to close be confident if I haue hor or lyfe I shall prowre myndfull of yr suffering. I am

yr werie lowing covsing

SEAFORT

Paris j Nou^r

1650

XVI

Commissioners' Warrant for the Earle Marshalls Woodsetters.

By the Commis^{rs} entrusted with the estaits of sewerall excepted persones in Scotland

Vpone Consideratione had of the petitione of George Thomson in the name of Jon Alardes of that ilk Robert Keith of Whyitriggs George Ogilvie George Downy and wy^{rs} the Earle Marshalls woodsetters, Setting furth that they haweing entred yr claimes befor the Commis^{rs} for Determining of Claimes which claimes being not yet Discussed Theirfoire praying that they might vplift the rents of yr said woodsett landis vntill such tyme as the Com^{rs} afoirsaid sall hawe discussed and determined yr claimes to the said landis

Itt is theirfoire ordained yt Mr Robert Arbuthnot and Mr Rob^b Barclay Chalmerlaines for the Erle of Marshalls estaite Are heirby requyred to permitt such of the petitioners to receave and vplift the rents of yr woodsett Landes as wpone dew prooffe they sall find to have beine in possessione theireof before the twelft day of Appryel ane thowsand sex hundreth fourtie eight yeires Provyded that the said Chalmerlaines doe tack sufficient

securitie of all such persones to be responsible to the
Staite for what they sall receive for the rents and dewties
of the saidis landis incaice the Com^{rs} for Determining
of Claimes doe not allowe of y^r said Claimes

Given vnder o^r hands att Lieth the 9th
of September 1654. Subscryved
thus

ED: SYLER

TIMO: WILKS

DA: BARCLAY

J. HARPER¹.

This is a trew Copie of
the principall warrand

GEO: THOMSON.

XVII

*Precept of Seasine in favor of Johne Douglas as air to
Sir Johne Douglas of Barres his father.*

Oliver, Lord Protector of the Commonwealth of Ing-
land Scotland and Ireland and dominouns thairto be-
longing To the Shirreff of Kincairdin and his deputtis
greeting Forasmuch as by ane Inquisitioun made be yow
at our command and retoured to our chancelarie It is
fund and made knowne that the deceist Sir Johne
Douglas of Barres knight father to Johne Dowglas

¹ We find the signatories to this document associated with Sir John Hope of Craighall, William Lochard, the younger, and Richard Saltonstall, as trustees for the forfeited estates in Scotland, in which they are formally vested, 12th April, 1654.—“Acts of the Parliaments of Scotland,” Vol. VI, pt. ii. p. 821.

Syler and Wilks were both Colonels in the Cromwellian Army, the latter being depute Governor of Leith. David Barclay, the laird of Urie, we have encountered as one of the intermediaries in negotiating the surrender of Dunnottar Castle. Of John Harper we know nothing, except that he is designed “Advocate” in the Deed of Sasine to which we have referred.

now of Barras beirer heirop died last vest and seasit as of fie in peace in all and haill the lands called the Nethertoun of Barres, the lands called the Middeltoun of Barres that croft of land called the Browster Croft all and haill the lands called the Overtoun of Barres with the pendicle of the saidis landis called the Farniebrae As also in all and haill the equall half of the corne milne of Barres with the equall half off all and sundrie houss biggings yeards toftis and crofts thairof and in the half the milne dame half of the milne laid and waterdraught half multures suckin and sequelis of the said corne milne and remnant pertinents thairof And sicklyk in all and haill that pairt of the milne lands of the said corne milne of Barras nixt adjacent to the saids lands called the Nethertoun of Barras vpon the west side of the said milne dame as the said waterdraught and milne dame presentlie runs and as the said pairt of the saidis milne lands is divydit be merchis from the other pairt of the saidis milne lands lyand vpon the eist syde of the said milne dame contiguouslie adjacent to the lands of Eistoun of Barres and Brigfuird As also in all and haill the just and equall half of the moss of Barres alsweill peitmoss as turff moore with houss biggingis yeards outsettis toftis croftis pairtis pendicles off all and sundrie the fairsaids lands and others fairsaids lyand within the baronie of Barres and shirrefdome of Kinkairdine And that the said Johne Douglas is neirest and lawfull air to the said deceist Sir Johne Douglas of Barres his father of the samyn lands half milne half milne landis half multuris and suckin thairof and others particularlie abouementionet And that the said Johne Douglas the beirer hereof is of lawfull age be vertew of ane dispensation granted be ws with consent of our Commissioners of Exchequer of the date at Edinburgh of the last day of Junij last by-

past not onlie dispensing with the said Johne his minoritie and lese age bot also with the feriot and close tyme of vacance And that the samyn lands half milne milne lands suckin sequels and otheris particularlie aboutementionat are now holden of ws and our successours in place of the late king immediatlie in cheeff WHAIRFOIR we command and strictlie charge yow to give seasine to the said Johne Douglas of Barres or his certane actorney beirer heirop off all and sundrie the lands abouwrightin with half milne half milne lands suckin sequelis and pertinentis of the samyn abouwrightin lyand as said is without delay (reserving evrie persouns just right as accords) And takeing securitie of the sowme of lxxv li scots money for the maills and dewties of all and sundrie the haill lands abouwrightin with the said half milne half milne lands multures sequels and otheris obouwrightin with the pertinentis lyand as said is remaining in our hands and in the hands of the late king respective be reasoun of warde be the space of sevin yeiris and ane terme or therby seasine not being recovered Quhilk maill and dewtie extends yeirlie to x^{li} money foirsaid and als of x^{li} of the samyn money for releeff thair of now dew to ws And this onnawayes yee leave vndone and thir presentis to be voyd and null efter the nixt terme Givin at Edinburgh the fourth day of Aprile 1655

To the shirreff of Kinkairdin and his deputtis for Johne Douglas of Barres.

Abstract.—PRECEPT by Oliver, Lord Protector, to the Sheriff of Kincardine to infest John Douglas as heir of his father Sir John Douglas of Barres, Knight, in all and haill the lands called Nethertoun of Barres, the Middletoun of Barres, Browster Croft, the Overtoun of Barres with pendicle called Farniebrae, as also half of

Corn Mill of Barres Mill dam Multures etc. and that part of the Mill lands on west side of mill dam and half of the Moss of Barres all lying within the Barronie of Barres and Sherrifdom of Kincardine. Given at Edinburgh the 4th day of April 1655.

XVIII

William Ogilvy "ffor his most loving father George Ogiluy of Barras."

LOVING FATHER

I can not but remember your fatherly care & love tendered to me in my childhood, but more especially at this tym in being so forward in every thing that can conduce for my velfare : I shall only be earnest v^t God that I may be both obedient & dutifull to yow for all your benefits undeservedly bestowed in my behalfe. The laird of Udney¹ & I vent to Mr John Setone² on monday y^e morning y^e 15 of this instant & demanded of him give he desyred any more testificats, & give after proclamation he vould be pleased to marry vs : he shew us that vould have only tuo lines shewing that ve vere thrice laufully proclaimed v^tout interruption & thereafter give him notice but y^e night before & he should marry vs So being that, & y^e contract that it may be subscryved & I hope all lets are then taken away : After I cam from Mr John Setone I vent to Ab^d and v^tin ane short tym after I cam to y^e toune there coms in y^e old laird of Lesly & his eldest sonne, vchich made me change my resolution for I intended to have come to Barras on vednesday but I am forced to look to that ladies safitie v^t whom by y^e assistance of God I intend to match &

¹ John Udney of Udney.

² Minister of Foveran : he was translated from Kemnay in 1649, and died April 1666,—Scott's "Fasti."

my owne credit. First then it vas advised that that lady should be kept privat & said to have gone out to Udny y^e morrow after they cam in which vas done accordingly : Y^e house vhere she remains privat is Andrew Raits w^t Mr John Alex^{rs} for he & his vyfe both cam for her & hes exprest themselves very noble frinds both to her & me, Now since there incomming ve understand that they are venting y^e most malicious vords & deeds that can be uttered against her for dissuading of her from this intended purpose of marriage, & vorse then y^t they have gotten notice of y^e day of our marriage to be on tuesday or thursday after y^e third proclamation & intends to vaite vs there v^t some more company for preventing of it, So I thought best to stay here myselfe & acquaint v^t all businesse, my humble desyre is therefore y^t y^e get that tuo lins from Mr James Grainger & come into y^e toune on Saturday at night & let us goe out to foverone on sunday y^e morning & be married either y^t night or monday y^e morning early otherwise assure yourselfe it vill not goe vell v^t vs. So I hope y^e will lay all things aside & come & in doing vhereof y^e shall obliege me to remaine eternally

Your dutifull

Abd y^e 17
day of octobr
1655

sonne
W OGILUY

I met v^t James Ogiluy in y^e toune & he shews me y^t he vill be in Barras once y^s veeke but I perceive he hes equipage (give y^e see him) it vill take ane good fee to make him ane ryding man & besyds y^t because I most have ane man y^t most stay constantly v^t me give ye think he most stay somtymes in y^e merns to vait upon y^e mains of Lumgare fee him to it & I vill provide ane for myselfe Give otherwise y^e think y^e can spare him

from it y^e most teach him to carry himselfe both ob-
edintly civilly & servantlyk towards me other vise al-
though he vere never so good I vill not have him.

XIX

¹ *Contract Matrimonial betwixt George Ogilvy and
Margaret Arbuthnet.*

At futhes and The thrid and Day
off October in the yeir of god j^{ai} vj^c ffyftie sex yeires
It is contractit agriet finally endit and perfeytit betuixt
the pairties following To wit Georg Ogiluy of Barres
on the ane pairt and Margrat Arbuthnet relict of the
Deceasit Robert Arbuthnet of Katerlane withe the
speciall advyse expres consent and assent of Robert
Arbuthnet of Litle Fiddes her father and he taking the
burding in and wpon him for her and they bothe w^t ane
qsent on the vther pairt in maner efterspèit THAT IS
TO SAY the said Georg Ogiluy shall godwilling marie
and tak to his Lawfull weyffe the said Margrat Arbuth-
net and shee him to her Lawfull husband Leikas they
and ilk ane of them be thir pñtis Takis and Acceptis of
wtheris and shall godvilling accompleis and solemnize
the band of mariage w^t wtheris in face of holy kirk ac-
cording to gods word w^t such conveniencie and Dili-
gencie as the Lawe and order of his kirk w^{tin} this
natione shall permitt and allow ther efter shall Lowe
cheriss mantaine and entertaine wtheres as becomethe
christianis Joynit in so holy a Band ffor the q^{lk} causs
and for the conjunctfie and prowisione efter spèit
grauntit be the said Georg Ogiluy to the said Margrat
his said assidat spous the said Margarat Arbuthnet
withe consent of the said Robert Arbuthnet her father
Hes Maid constitut and Ordainit and be the tenor

¹ In possession of Rev. W. D. Innes of Cowie.

Heirotff for her her aires eñres and assigneyis Makis Constitutis and Ordaines The said George Ogiluy his airis or assigneyis q̄somewer During ther conjunct Lyftymes Alinnerlie Her werie lawfull wndoubtit and Irrewocable cessioneris assigneyis and Donatoris weluti in rem suam In and To the haill mealis fermes Kaines customes profiteis and Dewtie off her conjunctfie landis of Denhead of Katerlain and toune and landis of Brigend of Katerlaine with houss bigingis yeards toftis croftis pairtis pendicles and pertinentis theroff And In and to her q̄junct fie right of the teindis of the samen alsweill personage as wicarage teindes Lyand within the parochin of Katerlain and shereffdome of Kincardin and that of this instant crop and yeir of god jai vjc ffyftie sex yeiris and theirby in tyme coming During ther conjunct Lyftymes as said is And in and to the Matrimoniall Contract passit betuixt the said deceasit Robt Arbuthnet of Katerlaine and the said Margrat wherbe the saidis landis ar Disponit in q̄junctfie and lyfrent to her q̄lk is of the Dait the Day off in the yeir off god jai vjc ffourtie Tua yeires And in and to the heall headis clauss articles obleysmentis and q̄ditionis theroff Maid conceawit and Set down in faworis of the said Margrat haill benefeit and Commoditie theroff And of the chartor precept and instrument of seasing following therwpon with all vtheris that hes followit or mey follow on the samen And In and to all Debtis soumes of money goods geir inseight plenishing or vtheris q̄somewer presently belanging and appertaining to her Turnand and transferrand the samen fra her foirsaidis To and in spēall faworis of the said George Ogiluy her said assidat husband and his foirsaidis surrogatand and substitutand and be thir p̄ntis surrogatis and substitutis them in her full right tytle and place theroff for ewer wberiori assignationis forma With power to him and

his forsaidis to ask craue receawe intromet withe and wptak the saidis meallis and dewties of the landis aboue-wřin Debts soumes of mōy and wtheris aboue assignit acquittances and discharges to graunt wpon the recept theroff transact compone agrie theranent and if neid beis to call and persew therfor as mey accord of the Lawe Quhilk assignatione aboue wřin the said Margrat Arbuthnet w^t consent forsaid Bindis and obleiss her and heris abowewřin to warrand be the said Georg Ogiluy and his forsaidis to be guid waleid effectuell and sufficient in the selff at all hands from her awin proper fact and deid alinerly that is to say that shoe hath not Done nor shall not Doe at no tyme bygone nor to come no wther ffact nor deid contrar or preiudiciall heirto AND ON THE W^THER PAIRT the said Georg Ogiluy in Contemplatione of the quhilk Mariage and for the assignatione abow wřin and benefeit of the said Conjunctie land^s for^d Bindis and obleiss him his airis exērs assignis successoris to his landis heretages intrometteris with his goodis and geir q^tsomewer to Dewly and sufficientlie infest and seas be chartour containing precept of seasine and seasine following therwpon the said Margrat Arbuthnet his said futur spous in conjunctie and lyfrent During all the Dayis of her lyftyme In all and haille ane yeirly anuelrent of Thrie hundreth merks wsuall scotis money heirby to be wpliftit and takine furth off all and sundrie his Tounes and landis off Owertoun of Barres and Bruxie Syd houss bigingis yeardis toftis croftis pairtes pendicles and pertinentis of the samen at tua termis in the yeir witsonday and mertimes in winter be equall portionis lyand within the baronie of Barres parochin of Kynneff and shereffdome of Kincardin (wnder the conditionis and prowisionis alwayis subsequent) and as the samen ar presently occupiet and possessit be Robert Young and William Hendersone present

tennentis and occupieris theroff To be haldin of him and his forsaidis in fewe ferme for the yeirly peyment of the soume off scotis money in Name off fewe ferme alinnerly and with the spëall Conditione and provisione that the not peyment of the said fewe ferme dewtie for the space of tua thrie or mair termes running in ane shall be no cawse of nullitie nor renditione of the said infestment notwithstanding of any actis of parliāt Lawis or constitutionis of this natione maid or to be maid in the contrarie theroff quherwt the said George Ogiluy hes dispencit and be thir pñtis for him and his forsaidis Dispences for ewer Quhilk anuelrent of thrie hundreth merks money abouewřin and Landis forsaid out of which the samen is peyable and infestment theroff forsaid appoyntit to be giwen to the said Margrat in qjunctie and lyfrent as said is The said George Ogiluy bindis and obleiss him and his forsaidis to Warrant to the said Margrat Arbuthnet and her abouewřin To be good waleid effectuall and sufficient frie saiffe and secure from all Wardis reliwes nonentress Ladie terces conjuncties prior alienationis Dispositionis infestmentis recognitionis purpensionis bygone stentis taxationis impositionis Ministers and Schoolmasteris stipends Annuities of teindes Lewies monthlie maintenance assesmentis wodsetis impignorationis assedationis long or short priwat or publike infestmentis reversionis and from all vtheris perilis dangeris or Inconvenientis qtsomewer als weill not Namied as Namied bygon present or to come quhairby the saidis lands or any pairt theroff Be any anuelrent or anuelrentis furth off the samen may be ewictit from the said Margrat Arbuthnet or shoe or her forsaidis stoppit henderit or Impedit in the peacable wplifting of the said anuelrent of thrie hundreth merkis at the termis of witsonday and mertimis heirby be equall portionis as said is at all handis and against

all deadly as Law will Quhilk infestment abouewr̃in shall bear and contain the expres conditione and provisione efter sp̃eit that in caice the said anuelrent of thrie hundreth merkis money forsaid appoyntit to be peyit furth of the landis abow wr̃in to the said Margrat in qjunctfie and lyfrent as said is in maner and at the termes of payment aboue expressit Shall happen to be restand awand wnpeyit to the said Margrat for the space of tua or mair termis runing together that then and in that caice It shall be leasum and lawfull to the said Margrat or her forsaidis to exact wplift receawe mell and intromett with the haill mealis fermes Kaynis custoames profiteis and Dewties als weill stok as teind and Dew services payable furth off the saidis landis of Ower-toun of Barres and Bruxiesyd lyand and possessit as said is (q^{lk} the said George bindis and obleiss him and his forsaidis to be worth of yeirly rent thrie chalderis wictuall halff meill halff beir besyd Kaynes and customis) and to hawe frie access therto During all the dayis of her lyfityme and that without any sentence decreit or declarator of any Judge or Judges q^tsomewer and Sikleik and with samen respect as if shoe had beine simplie infest in the saidis landis during all the dayis of her lyfityme And not in the anuelrent of thrie hundreth merkis money forsaid yeirly to be peyit to her furth of the samen Leikas the said Georg Ogiluy bindis and obleiss him and his forsaidis to mak good and thankfull payment to the said Margrat and her abouewr̃in of the said anuelrent of thrie hundreth merkis mōey forsaid prowdyt to her furth of his landis forsaidis (Shoe als weill not being infest and seasit as infest and seasit therein) and that during all the dayis yeires & space of her lyfityme nixt and Immediatly following the said Georg his deceas quhen it shall pleis god to call him beginning the ferst termes payment thairoff at the ferst terme of witson-

day or mertimes nixt and immediatly following his said deceas as said is Quharin if they fayllie they bind and obleis them and ther forsaidis to content and pey to the said Margrat the soumes off ffyftie merkis money forsaid for ilk termis fayllie spëall liquidat and agriet on and that by an attour and together w^t the payment of the said anuelrent in maner forsaid And farder it is specially heirby agriet on and appoyntit to be containit be expres clauss in the chartor & infestment to be maid theironè That at wuhat tyme wuhow soone or wuhen-soewer the said George Ogiluy or his forsaidis shall happine to war bestowe and imploy the principall soume off ffywe thowsand merkis money forsaid wpon good & sufficient well halded land or wther sufficient securietie within the Shereffdome of farfar or Kincardin ffor the ordinar anuelrent and profite to be fully cumand to the said Georg Ogiluy and Margrat Arbuthnet his said futur spous and langer Liwer off them tua in qjunctie and lyfrent and to the Aires to be procreat betuixt them efter ther Deceas q^{lkis} fayllieing the said George Ogiluy his neirest Lawfull airis or Assigneyis q^tsomewer And that be spëall seight and advyse of Robert Wicount Arbuthnet Androw Arbuthnet of Fiddes Robert Arbuthnet of Fendowrie and the said Robert Arbuthnet father to the said Margrat as freindis on her pairt And of S^r Robert Greyhem off Morphie Knyt John Ogiluy of Balfour James Ogiluy of Shannalie and of William Ogiluy Law^{ll} sone to the said George as freindis on his pairt or any tua ffour or sex of them being always aleik in number for ilk pairtie That then and wpon the waring off the said soume in maner and be the seight and adwyse aboue w^rin the forsaid infestment and annuelrent of thrie hundreth merkis money forsaid furth of the landis aboue w^rin shall be Null of no force strenth nor effect in them selfis Sikleik as if the samen had newer

beine maid nor grantit and the said George Ogiluy nor his forsaidis nowayis astricted nor obleishit in peyment theroff notwtstanding of any former claus or conditione heirin expressit As also that it shall nawayis be leasum nor law^{ll} to the said George or his forsaidis to lift and Raise the said soume of fywe thowsand merkis money forsaid So to be vared as said is but be the seight and advyse abowe w^{rin} And to be warit of new againe be the samen seight and advyse for the wse and behowe abowe sp^{eit} OFF THE WUHILK conjunctie and prowisione abouew^{rin} the said Margrat Arbuthnet with consent of the said Robert Arbuthnet her said father Hes acceptit and be thir p^{itis} be her and her forsaidis Acceptis in ffull satisfactiōe and contentatiōe of all farder q^{junctie} Terce or other prowisione q^tsomewer shoe can ask or craue furth off the saidis George his Landis and heretagis alsweill purchassit alradie or q^{lk} he shall happin herefter to purchis and acquer Als also off his hail cornis catell horss nolt sheip insight plenishing debtis soumes of money or vther goodis and geir q^tsomewer pertaining or q^{lk} shall happin to appertain to him herefter Except wuhat plenishing shoe shall happin to bring with her to his hous q^{lk} ar declarit to belong to her selff her airis or ex^{ers} in caice shoe surwiwe him and excepting alwayes her legall pairt of wuhat Domicell or houshold plenishing shoe shall happin to mak during ther said q^{junct} lyftymes And farder it is heirby Declarit that the said George Ogiluy nor his forsaidis shall be no farder obleishit to the childrein to be procreat in the said mariage for ther patrimonie and Barnis pairt of geir or any portione Naturall they or any of them can ask or craue be wertewe of this present Matrimoniall Contract or Mariage appoyntit to followe therwpon But in the said soume off ffyve thowsand merks scotis money to be pairtit and dewydit amongst them be the

said Georg in his awin lyftyme and fayllieing theroff be the saidis eight freindis or sua many of them as shall be in lyff for the tyme or quha shall happen to meit for that effect being off a leik Number for bothe the sydis & pairties and suspending the peymont theroff During the lyftyme off the said Margarat Arbuthnet ther mother And to the effect the said Margrat Arbuthnet mey the better obtaine the said infestment of the said annuelrent of thrie hundrethe merks money forsd prowdyt to her in qjunctfie and lyfrent during all the dayis of her lyftyme as said furthe of the landis and vtheris aboue and efter spëit The said George Ogiluy hes maid constitut and ordained and be the tenor heiroyff for him and his forsaidis makis constitutis and ordainis

and ilk ane of them coniunctly and sewerally his Lawfull Bayllies in that pairt commanding them and ilk ane of them on seight heiroyff to pas to the ground off the šdis landes of Owertoun of Barres and Bruxiesyd occupiet and lyand as said is or any pairt of the samen And ther be Delywerie of earth and staine of the saidis landis and of ane pennie wpon the ground theroff as vse is in the leik they Giwe and Delywer State seassone and possessione actuall corporall and reall to the šd Margrat Arbuthnet or her actorney or actorneyis in her name beareris heiroyff off all and hail the said annuelrent of thrie hundreth merkis scotis mōey in qfunctfie and lyfrent during all the Dayis of her lyftyme as šd is theirby to be wpliftit furth of the saidis landis at tua termes in the yeir witsonday and mertimes in winter be equall portionis To be haldin of him his airis and successoris in few ferme for the yeirly peyment of the soume of scotis money forsd heirby at the terme of witsonday in naime of few ferme if the samen beis askit alinnerly and with and wnder the Rewersionis Reserwatione prowisionis and Conditionis

particularly aboue mentionat And that they or any of them mak the said Margrat to be dewly and sufficiently infest and seasit therin conforme to the will and tenor of this present Matrimoniall Contract and chartor appoyntit to follow theron and off this precept off seasine in all poyntis The qlk to doe he Committis to them and ilk ane of them qjointly and sewerally as said is his full powar warrand and Commissione be thir pñtis And for the mair securitie bothe the saidis pairties ar Content and Consentis thir pñtis be insert and regrat in the bookis of the heighe court of Justice of this Nacione or any vther Judge or Judges books wñ the samen to hawe the streanth of ane act and Dec^t of any of the saidis Judges that Letteres & ex^{les} of horning and vtheris neidfull may be direct theirwpon the horning to pas wpon ane single charge of sex dayis only and for that effect qstitutes jointly and sewerally ther Lawfull procutors In witnes qrof they hawe subscriyvit thir pñtis (wñ be Mr Thomas stuart in Laurenstoun) at ther handis place day of the month and yeir of god forsaid befor thir witness Andro Arbuthnot of Futhes Maister James Grainger Minister at Kinneff Joⁿ Lindsay in Katerlin & Robert Mollesone in Millhill

A ARBUTHNOT witnes

GEORGE OGILVY

MR JAM GRAINGER witnes

MARGRAT ARBUTHNOT

R MOLLESONE wittnes

R ARBUTHNOT

JOHN LINDSAY witnes

Abstract—MARRIAGE CONTRACT between George Ogilvy of Barras and Margaret Arbuthnet, relict of the deceased Robert Arbuthnet of Katerlane, with consent of Robert Arbuthnet of Little Fiddes her father, by which said Margaret Arbuthnet on her part assigns in liferent her rights to the lands of Denhead of Katerlane and of Bridgend of Katerlane and the pro-

visions in her favour in the Matrimonial Contract between her and her late husband dated 1642 and in general her other means and estate ; and the said George Ogilvy on his part undertakes to infest her in the yearly annual rent of 300 merks from his lands of Overtoun of Barras and Bruxiesyd, this provision to be null when he employs 5000 merks for their joint behoof under sight of the friends named : said 5000 merks to go to the children at their death : Dated at Futhies etc. 3rd. October 1656.

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¹ *The Inventar and testament dative of the guidis and gear of umq^{ll} Elizabeth Douglas spous to George Ogilvie of Barras within the parochine of Kinneff and Diocie of Brechine who deceist intestat in the moneth of Apryll jai vjc & fyftie sex yeires faithfully maid and guven upe be the said George in name of William Ogilvie ther only sone Ex^{er} dative to the s^d defunct decernit be decreit of the Commissar of Brechine upon the day of Apryll 1657 yeires.*

Item Imprimis the said George declares that the tyme of the s^d defunct hir deceis they had the guidis and gear following of the valew and pryces after sp^{eit} viz : threttie oxine price of the piece xvij^{lib} Inde v^c & xl^{lib} Item fyve kyne at xvj^{lib} xiiij^{sh} iiij^d the piece Inde lxxxiiij^{lib} vj^{sh} viij^d Item four horss pryce of the piece xxxiiij^{lib} 6^{sh} 8^d Inde jc & xxxiiij^{lib} vj^{sh} viij^d Item ane hundreth yewes and yeild shiep pryce of the piece overhead xl^{sh} Inde ij^c lib Item sex young stirks pryce of the piece overhead vj^{lib} xiiij^{sh} iiij^d Inde xl^{lib} Item in the barne and barne yaird of aitts thrie scoir bolls pryce of the boll iiij^{lib} 6^{sh} 8^d Inde ij^c lib Item in bear tuentie bolls pryce of the boll iiij^{lib} xiiij^{sh} iiij^d Inde lxxxiiij^{lib}

¹ Commissariot of Brechin, "Testaments," Vol. VI, fol. 76.

vj^{sh} 8^d Item of vticeill and domiceill estat^t worth
jc lx^{lib}

Summa of the Inventar extends to jai iiij^c xl^{lib}

No debts awand to the said defunct nor hir spous

Debts awand be the said defunct

Imprimis to James Smith burges of Aberdeine vic
lxvj^{lib} xiiij^{sh} iiij^d Item to Mr Johne Mill Minister at
Fetteresso¹ iiij^c xxxiiij^{lib} vj^{sh} viij^d Item to Mr James
Willox minister at Kemney² iiij^c xxxiiij^{lib} 6^{sh} 8^d Item
to Mr Thomas Stuart at Laurestone³ iiij^c xxxiiij^{lib} 6^{sh} 8^d
Item to Alex^r Mowat in Reidcloak⁴ jcxxxiiij^{lib} vj^{sh} viij^d
Item to George Thomsone in Cheine⁵ vc^{lib} Item to
Rot Neaper in Bervie ijclxvj^{lib} xiiij^{sh} iiij^d Item to Mr

¹ Mr. John Mill was admitted prior to 23rd June, 1654.—“Kincardineshire Sheriff Court Diet Book,” 1652-6. He died in January, 1703.

² Mr. James Willox, who became the husband of Anne Lindsay, was admitted minister of Kemnay, 19th September, 1654. He had previously served abroad as an Army Chaplain, had been captured by the Moors and in consequence of their treatment had lost his eyesight; though whether he was totally blind or not does not appear. Willox seems to have been possessed of a considerable private fortune. In 1661, the degree of Doctor of Divinity was conferred upon him by the University of Aberdeen. He died 14th February, 1695, leaving by Anne Lindsay, who survived him, a family of five sons and one daughter.—Scots “Fasti.”

³ Mr. Thomas Stuart of Lauriston received a formal Commission from the Council of Estates as Sheriff Clerk of Kincardineshire, 20th March, 1656, though he appears to have acted in this capacity prior to that date.—“Kincardineshire Sheriff Court Diet Book.”

⁴ Alexander Mowat of Balquhollie is described as tenant in Redcloak in a Disposition of these lands in Wadset (16th February, 1680) to him and to his son James Mowat in security of a debt for 1600 merks scots due by the proprietor, Robert Keith.—“Urie Titles.” He died June, 1686.—“St. Andrews Commissariat.”

⁵ George Thomson in Cheine was appointed Sheriff Clerk at the Restoration by Commission from the Earl Marischal, dated 14th December, 1660.—“Kincardineshire Sheriff Court Records.” He married Marie Wishart, Lady of Arduthie, and died *circa* 1676.

James Grainger minister at Kinneff ij^c lib Item to Jon Walker in Kirktone of Fetteresso j^c lib

Summa of the debts is ij^aij^vclxvj^{lib} xiiij^{sh} iiij^d

Summa debts exceids frie gear jaiij^cxxvj^{lib} xiiij^{sh} 4^d

Quhilk remaines without divisione

I Johne Greine Esqr Comissar prin^{ll} of the rēxive shyres of Angus and Mearns appointed for confirmatione of testaments within the bounds of the Commissariat therof Ratifies Approves and Confirms this present testament dative and Inventar of guidis gear and debts forsaid in sua far as the samen is reallie and truellie mad and giwen upe and no otherwayes Together with the said William Ogulvie exē^r fors^d with power to him to aske crave recave intromeit with and uptake the heall guidis gear and debts above spēit and if neid beis to call and p^rsew therefore as accords of the law Provyding alwayes that the said exē^r make just compt and reckning thereof to all parties hawing enterest therto as law will lykas William Scot burges in Innerbervie be his band hes become cau^r for that effect and the s^d exē^r hes maid faith &^c In witnes q^roff to thir pⁿts subscri^t be George Stiell my clerk deput att Brechine the tuentie tua day of Apryll 1657.

Extracted on this and the three preceding pages by me Deputy Keeper of the Records of Scotland

GEORGE A. J. LEE.

XXI

Inventar of the evidents and wryittis of the landis of Barras enventarred att Lumgair the threttie day of December jai vj^c & fiftie eight yeres and delyuered be Sr George Ogilvie to William Ogilvie his sone as followes.

Imprimis ane instrument of resignatione declairing the Erle of Angus to have resigned the lands

in favors of Mr Gawine Douglas daittit 25 Jnry 1604 yeres

Item ane Contract past betuixt the said Mr Gawine and Mr Johne Douglas wherby Mr Gawine dispones to Mr Johne and his aires theirin mentionat the landis of Nethertoune Midtoune and Overtoune of Barrasses with their pendicles and pertinents halff milne and halff milne lands of Barras which is daited at Edr the eight day of Majj 1604 yeres and registrat in the buikis of Counsell and Sessione the day and daite foirsaid

Item ane prorie of resignatione wrne vpon parchement wherby Mr Gawine resignes the saids lands in his Mâtie and his Comrs hands for new infestment yrof to be granted to the said Mr Johne and his aires daittit the said 8 of Majj 1604 yeres

Item ane instrument of resignatione followeing yrone declairing the saids landis to have been resigned to his Mâties Secret Counsellis handis ass haveing power to grant infestment vnder the signe and subscriptione of James Justice notr public daitit 19 Marche 1605 yeres

Item ane chartr vnder the great seall to Mr Johne of the saids lands daittit 20 Marche 1605 yeres

Item Mr Johne his saiseing vpon the said chartr vnder Mr Johne Fullartoune Nott^r his hands daittit 16 Apryll 1605 yeres togedder with the precept vnder the quarter seall followeing one the said chartr

Item ane chartr be Mr Johne to Jeane Fraser his spous and Johne Douglas his sone of the saids lands daittit the 10 Oct^r 1609 yeres

Item Jeane Fraser and Johne Douglas saiseing followeing yrone daittit 20 Oct^r 1609 vnder James Auchenlek his hand

Item the Kingis Confirmatione of the said chart^r vnder the greate seall daittit 26 Oct^r 1609 yeres

Item the said Jeane Fraser her subscriyvit renuncia-

tion of the saids lands with consent of Alexander Lindsay her present husband daittit the nynt day of Junij 1635

Item the said Jeane Fraser her Judiciall renunciation of the saids lands in favors of the said Johne Douglas her sone designet y^rin Sr Johne Douglass daittit the 21 Nov^r 1637

Item the Erle of Angus discharge of the payment of the pryce of the haill landis to Mr Gawine and Mr John Douglass daittit 14 May 1610 and regrat in the buikes of Counsell and Sessione the twentie twa of Junij 1610 yeres

Item Mr Gawine Douglass his discharge of the warrandice of the landis of Barras granted to Mr Johne Douglas the 13 Junij 1610 yeres and regrat 22 Junij 1610

Item the Countes of Angus renunciatione of the lands of Barras daittit 14 Maij 1610 yeres registrat 22 Junij the said yer

Item Johne Dowglass sone and air to the said Sr Johne S^{nr} his retoure daittit the 12 Sept^r 1654

Item the precept direct furth of the chancellarie for infesting Johne vpon his retoure daittit 4 Aprill 1655

Item Johne Douglass saiseing of the foirsaid lands vnder Mr Thomas Stewart his hand daittit 28 Maij 1655 yeres

Item ane tacke of the teyndis granted be the Arch-bishop of St Androes to Mr Johne Douglass daittit the day of Nov^r 1608 yeres

Item ane act of prorogatione of the said tacke be the Comissioners of parliament in favors of the said Mr Johne daittit 23 Junij 1618 yeres

Item ane discharge of Johne Douglass his ward and mariage be James Douglass his uncle donator y^rto daittit the 24 Dec^r 1657

Item James Allardes tutor of that Ilk his renunciatione of the woodset of Bruxie syid and Barclay syid daitt 8 Majj 1642

Item ane instrument of the divisione of the Marches betuixt the lairds of Glenbervie and Arbuthnet daittit the 21 Junij 1541

Item another instrument of divisione betuixt the laird of Glenbervie and the laird of Allardes daittit the 4 of Agust 1542 yeres

Item ane contract betuixt the Erle of Angus & Mr Andro Arbuthnet vpon the woodset of Fearniebrae daittit 6 Junii 1598 yeres the Erle of Angus Chartor w^t Mr Androes saiseing followeing y^rone daittit the 10 Junij yeir foirsaid

Item Mr Andro his reversione granted to the said Erle

Item Robert Arbuthnet sone and air to the said Mr Andro his renunciatione in favors of the said Georg Ogilvie daittit 28 Majj 1650 yeres

Item ane contract betuixt the said Vmq^{ll} Sr Johne and Vmq^{ll} Thomas Erskine vpone the woodset of the Overtoune of Barras daittit the 21 Majj 1642

Item a chartor followeing y^rone w^t Thomas saiseing followeing one the samen daittit the 21 Majj 1642 yeres

Item Thomas Erskine his dispositione y^rof to the said George Ogilvie daittit 4 Junij 1650

Item ane contract betuixt the said Sr Johne and James Andersone vpon the woodset of the lands of Barclay syid and Bruxie syid daittit 22 July 1642 w^t James saiseing followeing y^rone daittit 27 July 1642 togedder w^t ane dispositione be the said James to the said Georg Ogilvie of his woodset richt y^rof daittit 13 July 1648 w^t the s^d Georg Chartor and saiseing granted be the said James daittit 20 Junij 1650

Item ane decreitt obtaned at the instance of the said

Georg befor the shereff of Kincardine against the said Jon Douglass as laulie chargit to enter air to his father for mackeing payment to him of the sewerall soumes y^rin conteaned mentionat in the bands and assignationes y^rin exprest as also the samen bands and assignationes which decreit is daittit the 18 Maij 1649

Item ane appryissing followeing on the said decreit hed at the said Georg Ogilvies instance against the said Johne Douglass wherby for the soumes y^rin exprest he hes appryissit the saids lands and teyndis from the said Jon which decreit of appryissing is daittit the sexteine Nov^r 1649 and is allowed the first Jan^{ri} 1650

Item the hail grounds of the said appryissing

Item ane chartor of confirmatione to Georg vnder the great seall followeing one the said appryissing

Item Georg saiseing followeing y^ron daittit 22 Aprill 1650

Item ane dispositione be Johne Douglass to George Ogilvie of the saids lands and teyndis daittit the tuentie tua day of December 1658 and regrat in Dec^r 1661 in the buikis of Counsell and sessione

Item ane renunciatione to the said Johne Douglass of the legall and convensionall reversiones of the said appryissing and woodset richts daittit 22 Dec^r 1658 yeres

Item Georg Ogilvies dispositione of the hail to W^m Ogilvie his sone of the daite of ther p^{nts} whilk particular evidents aboue w^{rine} I the said William Ogilvie grant me to have receavit from the said Georg Ogilvie my father Conforme to the dispositione befor mentionat maid be him to me of the saids lands be these subt^t w^t my hand day yeir and place foir^d befor Georg Thomson w^rter herof and Francis Balfoure servit^r to the said George

FRANCIS BALFOUR Witnes

W OGILVY

GEO THOMSON Witnes

At Barras the 21 Marche 1662 there is lyikwayes delyvered to William Ogilvie be his father

First the instrument of resignatione of the lands of Barras wherin the lands are declaired to be resigned to the Kingis hands for new infestment to be granted to Sr Georg in lyfrent and to his sone in fie vnder Mr Georg Cruikshanks hand Nott^r daittit in Dec^r 1661

Item ane Chartor vnder the great seall with the precept followeing y^rone wherin the holding of the lands is changit from waird to blensche holding for the reasons conteaned y^rin daittit 3 Marche 1662

Item ane saiseing vnder Georg Thomsones hand vpon the said precept daittit this 21 Marche 1662 and regrat in the register of Abdⁿ

Item ane dispositione of the annuities of the saids lands granted be Loudoune Campbell to Sr Geoge daittit the 19 Marche 1659 and regrat in the buikis of Excheaq^r the 22 of the said month.

XXII

The Inventar and Testament Dative of the guidis and geir of Umq^{ll} Mariorie Raitt spouse to William Ogilvy of Barras Quha deceised wntestat vpon the twantie fift day of Junij jai vjc & saxtie four yeires faithfullies maid and given vp be the said William hir spous in name of Margrat Ogilvy y^r dawchter minor and extrix dative lawlie confirmit to hir said deccist mother befor the comisser of St Andrewes Upon the day of jai vjc & saxtie fyve yeirs.

Imprimis the said defunct and hir said husband had in thair possessione the tyme fors^d the guidis and geir following of the valoures and prycess spēit

Item xx oxen with y^r geinging geir pryce of the peice ower heid xx^{lib} Inde iiij^c lib. Item iij Ky pryce

of the peice ower heid xvj^{lib} Inde xlvij^{lib} Item viij stirkes yeires and tua yeir oldes pryce of the peice owerheid vj^{lib} xiijs iiij^d Inde liij^{lib} vjs viij^d Item lxxiiij scheip yowng and old pryce of the peice owerheid xl^s Inde jcxlvij^{lib} Item iiij wark horses and meires pryce of the peice owerheid xx^{lib} Inde lxxx^{lib} Item ij horss ffor ye saidles pryce of the peice ower heid lxxx^{lib} Inde jclx^{lib} Item sawin in the grownd of Oates lxx bolls extending to the third curne Inde ij^cx bolls pryce of the boll owerheid liijs iiij^d Inde vclx^{lib} Item of beir xvj bolles estimat to the fourt curne Inde lxiiij bolls pryce of the boll iij^{lib} vjs viij^d Inde ijcxiiij^{lib} vjs viij^d Item vtuell and domicile estimat vorth iij^c lib

Suma of the Inventar jai^cixclxij^{lib} xiijs iiij^d

XXIII

Sir James Ogiluy of Newgrange "For The Right Honorable Sir George Ogiluy of Barras Knight Barronet."

NEWGRANGE 25th Februy 1665

RIGHT HONORABLE

Shortly after the receipt of your last not being able to travell my selfe I sent my sone James to Cortoquhy who spoke bothe with the Gentlewoman herselfe as also with my Lord Airly. The Gentlewomans Ansuer was very civilly that she wold in that bussines be regulated by her freinds wich was all the ansuer that I could have desyred from her at the first tyme not being to the persone interested himselfe. My Lord Airly did render you very many thanks for that and your many other favors and particularly for on which you made offer of to himselfe at the bray head of Dunoter when he was goeing north after the Kings returning from Clovay¹

¹ The reference in the text is to the incident familiarly known in history as The Start, when Charles II attempted to elude his Pres-

Onely he desyred that since his sone my Lord Ogiluy who was the persone behoved to engadge for the Tocher was to be at home shortly himselfe (which by the inclosed is againe confirmed) Therfore that the bussines might be continewed till his home comming. How soon the weather setles and that I am able to travell I shall goe vp to Cortoquhy my selfe and yrafter give yow a more peremptory ansuer. Therfore I intreat that your sone may not engadge in any bussines of that nature till yow heare againe from me which shall be shortly And in the meane tyme no persone in the world shall know of it. I wold have returned yow ansuer to this particular long agoe but that I was still expecting some our freinds to be in this countrey and I wold have given both the advertisments together. I shall add no more but that ther shall be non in the world that shall be more willing to doe yow service then

Right Honorable
Your most affectionat Brother
& humble servant

SR JAMES OGILUY

byterian supporters and to throw himself into the hands of the "Malignants." The King escaped from Perth, 4th October, 1650, and the same night, we are told, reached "ane poure cottage belonging to the laird of Clova," where he was found next morning, a little before daybreak, by Colonels Naime and Bynton, "lying in a nastie rounge one ane old bolster aboue a matte of segges and rushes ouerweiried and werey fearfull."—Balfour's "Annales," Vol. II, p. 113. The next day he set out on his return journey, while Airlie apparently held north.

The meeting between George Ogilvy and his lordship referred to as occurring at the Braehead of Dunnottar is explained by Sir David Ogilvy as follows: "This offer which Sir George made to the Earle of Airly was a purse of gold wherin wer twenty Jacobus's ffor which my Lord Airly gave Sir George hearty thanks, and told him he wanted not money enough of his own."—Reid, "Family Papers."

XXIV

Assignatione—"George Ogilvie to William Ogilvie his sone."¹

Be it knowne to all men be thir present letters WIT YE ME Sr George Ogiluy of Barris for an certane sowme of money peyit and delyuered to me (and for quich he is engaiged to pey for me befor ye making of ther pñts) be W^m Ogiluy my only lafull sone q^{ro}f I grant ye reseatt and discharges him and all q^m it effers therof for ewer THERFOR and for certane wther causes honerus grayt respecks and guid considerations mowing me WIT YE ME to hau mead and constituted the said W^m Ogiluy his aires & donoters my werey lawfull wndoutted and irrewocabill cessioners and assigneys in rem suam in and to the sowme of ane thousand merks scots money as principall and in and to the anellrent and profite therof of all termes bygone restand awine unpeyit and that since the terme of Witsonday jai vjc & saxtie sax years and sicklyk yearlie and termlic in tym coming ay and whill the full compliet pryce of the same and als in and to the sowme of thrie hundreth merks money forsaid of liquidat expences specified and continowed in ane band and obligatione mead and granted to me therupon be Sr Ro^t Grahame of Morphie and Ro^t Grahame fier therof as principalls and Jonⁿ Grahame of Craigy as Cationer for them of the deatt at Morphie and Craigy the tuentie sax day of Jnij jai vjc & saxtie sax years and in and to the said band & obligatione and sowmes forsaid principall anellrents and liquidat expences abowe specified contined therin surrogatting and substitueting the said W^m Ogiluy and his forsaid in my full richt and place therof for ewer w^t full pour to him

¹This deed is holograph of the subscriber.

and his forsaid to require the implemēt of and fulfilling of the said band and payment of the sowmes forsaid principall anellrents and liquidat expences liquidat therin frome the foirnamed persones principall and cationer aboue wryttine and therupon to dispoñe upon at his plessur and gin nied beis to charge call and persue therfor as accords of the law Acquittances and discharges to giu therupon and all other thingis to dow als frielie in all respecke as I might hau downe my selff befor the making heiroy consentting for the mor securitie heiroy that thir pñts be insert and registrat in aney laufull register w^{tin} this kingdome to hau the strynth of ane decreit that letters of horning and others neidfull may pase theirwpon in forme as effeires And constituts my
 procurtors In witness q^rof thir pñts ar wryttine and subscrivit w^t my hand at Craigei the tuentie tua of apryll jai vjc & saxtie nyne years befor thir witnes Androw Gray Serwittor to the said Sr George Ogiluy and James Arbuthnot in Nether Craigei and W^m Fergusone at Kirktowne of Fetteschow

WILLIAM FERGUSONE Witnes

ANDROU GRAY Witnes

GEORGE OGILUY

Ther is reserued of this band the anellrent frome Witsonday 1671.

XXV

Dispositione be Johne Dowglass to William Ogilvie of Chapel Crofts of Barras.

BE IT KEND to all men be thir pñt lëres ME JOHNE DOUGLASS sone and air served and re-toured to the deceast Sir Johne Douglass of Barras who was sone and air to the deceast Mr Johne Douglass of Pitdrichie my good shir heritable propretor of the croft of land and teynds underwñn for so mikle as W^m Ogilvie now of Barras hes at the daitt heerof and of befor realie

and w^{tt} effect advanced and payed to me ane certane soum of numerat mōe q^rof I grant the recept and discharges the s^d W^m Ogilvie and all q^m it effiers therof forever THERFOR and for certane uthers causes onerous and good considerations moving me WITT YE ME as sone and air forsd to my s^d vmq^{ll} father to have sold analied and disponned lykas I be the tenor heerof sells analies and dispons fra me my airs successors and assignays to and in favours of the said W^m Ogilvie his airs and assignays q^tsomever heretablie and irredeemable but any reversione redemptione or regress all and hail that croft of land comonlie called the chappell crofts of Barras w^{tt} the hail teynds personadge and viccaradge of the samine teend sheeves used and wont to be payed furth therof togither w^{tt} the houses biggings parts pendickles and pertinents therof and w^{tt} speciall and full libertie pour and privedge of comontie and pasturadge upon the hill called Sant Johns Hill according to use and wont and as the occupayers and possessors of the s^d croft have been in use of in tyme bygone lying w^{tt}in the barronie of Barras and Shirrifdoom of Kincardine Whilk croft w^{tt} the pertinents and teends therof formarlie pertained to the chaplans of the Chaplandrie of Trinitie founded w^{tt}in the parishe kirke of Crichtie¹ as ane part of the patrimonie of the temporallitie and propertie therof and fell and belonged to his Majesties

¹This Chaplaincy was founded by Mr. Gilbert Strathauchin, Canon of Aberdeen and Moray, in the Parish Church of Creich or Crichtie, in Fifeshire, between the years 1531 and 1538. In the latter year the founder's nephew and executor, Mr. James Strathauchin, who was also a Canon of Aberdeen and Moray, mortified, in terms of his uncle's will, annual rents, amounting to forty merks, from various lands north and south of the Tay, to Mr. William Seaton and Sir Thomas Mortoun, Chaplains, and their successors, with twenty shillings annually for the maintenance of the said altar.—Campbell's, "Balmerino and its Abbey," p. 203 n.

royall grandfather Kinge James the Sixt of blissed
 memorie be vertew of the generall annexatione of the
 wholl kirklands w^{tt}in this kingdome to the croune and
 was by his s^d. royall Majestie his charter under the great
 seall of this his kingdome of Scotland of the daitt at
 Eder the penult day of Octor jai vj^c and nyne yeares
 sold and disponned to the s^d umq^{ll} Mr Johne Douglass
 my good shir and for the s^d W^m Ogilvie his better
 securitie of the s^d crofte of land and teends of the samine
 w^{tt} the pertinents I bind and oblishe me and my foršds
 to purchess and obtaine my selfe infest and seased therin
 As air to my goodshir or father therof and I beeing sua
 infest and seased therin I bind and oblishe me and my
 foršds to infest and seas the s^d W^m Ogilvie and his
 above spēit heretable and irredeemable as s^d is therin-
 till be tua infestments and to be holden of my immediat
 superior of the s^d croft of land siklyk and also frealie in
 all respects as I or my s^d goodshir or father held or shall
 happen to hold the samine our selves and that aither be
 resignatione or confirmatione in the optione of the s^d
 W^m and his foršds and for that effects shall make sub-
 scribe and delyver to them all procuratories of resigna-
 tion and uthers procuratories evidents and writts requisit
 and needfull for obtaining the s^{ds} infestments and the
 securitie of the s^d croft of the lands and teends therof
 w^{tt} the pertinents therof foršds and make and grant to
 him all assignations dispositions and uther writts of the
 teands foršds and requisit for denuding me therof and
 securing him therin and of all taks prorogationes of taks
 decreets of plate and others writts qtsomever maid and
 granted to me or any of my outhers or prediccursors
 theranent WHICH dispositione above wrin and pro-
 curatories sua to be maid be me I bind and oblishe me
 and my foršds to warrand to the s^d W^m Ogilvie and his
 above spēit to be good and valed in the selfe fra my

oune propper fact and deed allenerlie and if need beis
 shall reiterat and renew thir presents as oft as shall be
 requisit for the obtaining securitie to the s^d W^m Ogilvie
 and his foršds of the croft of lands and teends above
 wrīn w^{tt} the pertinents therof from my oune fact and
 deed as s^d is consenting for the mor securitie ar content
 and consents thir presents beeing insert and registrat in
 any lafull register w^{tt}in this kingdoome to have the
 strenthe of ane decreet of the judges herof that lēres
 executorialls may be directe in form as effiers and for
 that effecte constituts my prōrs in witnes
 wherof thir pñts ar wrīn be Johne Nicoll servitour to
 Johne ffrank writter in Eder and subscryved w^{tt} my
 hand at Eder the eleventh day of Decer jaivjc seventie
 three yeares before thir witness M^r Rot Arbuthnet son
 lau^{ll} to wmq^{ll} Robert Arbuthnet of Caterline¹ & M^r
 Peter Arbuthnet writter in Ed^r inserter of the date and
 witness names

RO: ARBUTHNETT Witnes

J DOUGLASS

PET: ARBUTHNET Witnes

Abstract.—DISPOSITION by John Douglass, son
 and heir of deceased Sir John Douglass of Barras, who
 was son and heir to the deceased M^r John Douglass of
 Pitdrichie, to William Ogilvie, now of Barras, in con-
 sideration of a certain sum of money and certain other
 causes, heritably and irredeemably, of all and hail that
 Croft of land commonly called the Chappell of Barras
 and teinds with privilege of pasturage upon the hill called

¹ David, eldest son of Alex. Arbuthnott of Pitcarles, was served
 heir to his father in Achitirforfar on 12th June, 1629, which estate he
 sold, and thereafter bought Caterline. His son, Mr. Robert, was infest
 in Caterline in his father's lifetime. He married, 1642, Margaret,
 daughter of Robert Arbuthnott of Fiddes, who after his death became
 the wife of Sir George Ogilvy of Barras.—“The Scots Peerage,” Vol.
 I, p. 292.

Saint John's hill lying within the Barronie of Barras and Sherifffdom of Kincardine, which Croft etc. formerly pertained to the Chaplans of the Chaplandrie of Trinitie founded within the Parish Kirk of Crichtie. Subscribed at Edinburgh the 11th. day of December 1673.

XXVI

Inventare of Brigfoords writes and evidents sent to Mr James Elphinstoune wter to his M^{ties} signet at Edr for clearing Sir W^m Ogilvie and his Lawiers of the sufficcencie of the progress & validitie of Brigfoords right to the saids lands and Barronie. 1678.

1. Regrat pr^{orie} of Resignatione M^r Gavine Douglas in favours of his wyffe & sone of the lands of Brigfoord & others daitit 10 Jullij 1615

2. Instrument of Resignatione q^rvpon procedit the said M^r Gavine and his forsaisd ther infestment in the said lands and barronie daitit 25 Jullij 1615

3. Chartor M^r Gavine Douglas and his for^sds of the barronie vnder the great seall 25 Jullij 1615

4. Precept of seasine the said M^r Gavine and his for^sds vnder the quarter seall daitit 25 Jullij 1615

5. Seasine Brigfoord his lady and sone of the said barronie daitit 28 Agust 1615

6. Brigfoords Contract of mariadge q^rin is contained pr^{orie} of resignatione deceist Rot Douglas of Brigfoord his father and sone to the s^d M^r Gavine of the lands and barronie of Brigfoord in favours of him etc daitit 1 Febrij 1661

7. Instrument of Resignatione of the lands and barronie of Brigfoord by the said deceist Robert in favours of Brigfoord etc daitit 23 June 1665

8. Chartor to this Brigfoord etc. of the barronie y^roff vnder the great seall daitit 23 June 1665

9. Precept of Seasine to him etc of the said bar-
ronie of Brigfoord vnder the great seall daitit 23 June
1665

10. Seasine of the s^d barronie to him etc daitit 28
August 1665

This for the Progress

11. Brigfoords owne Prörie of Resignatione for new
infestment to himself etc in cheange of holding of the
lands of Brigfoord daitit 5 Febrij 1670

12. Instrument of Resignatione of the saids lands
for new infestment to himselfe etc daitit 5 Febrij 1670

13. Chartor vpon his new holding of the barronie
of Brigfoord vnder the great seall daitit 11 Febrij
1670

14. Precept of Seasine to the s^d Brigfoord etc vnder
the quarter seall daitit 21 Jullij 1670

15. Seasine to himselfe etc vpon the new holding of
the forsd barronie daitit 25 Jullij 1670

16. Assignationes and Discharges from the deceist
Robert Douglas of Brigfoord his three sisters ther
husbands or assigneyes clearing the burden of his fie
q^{ch} containeth the soume of 2000 Merks to ewery on of
them

17. Dispositione of Anuities to Brigfoord be the
Earle of Loudoun daitit 19 March 1659

18. Tack of the teinds of the lands of Barras within
the Pariochen of Kinneffe vnder the privie seall and
seall of the Convent of St Andrewes

19. Tack of the teinds of Brigfoord from the Earle
of Marischall to be received from Alex^r Douglas servitor
to Pheasdor who gave it to be seen be the Earles advocat
etc

Sic subitur

R DOUGLAS

XXVII

The Duke of Queensberry "ffor Sr William Oglevie of Baras."

EDR 29 July 1682

SR

I'm commanded by the King to provide heir and send to him 3 or 4 caste of the best laboured haukes can be had and being informed you have some very fitte for his Majesties use I expect ye will not grudge them upon this occasion and att my most earnest desyre. Upon which account I have sent this bearer the Kings ffalconer expresse for them. And if ye have use of reid haukes any ye trust heir shall Receave them. So certainly expecting yo^r haukes by the bearer I am

Sr

Yo^r most affectionat freind

And servant

QUEENSBERRY

If any of yo^r freinds have haukes for his Maties use I expect you will procure and send them with your owne.

XXVIII

Dischairge—George Ogilvie yr of Barras to Sir William Ogilvie of Barras his father.

BE IT KEND till all men be thir pñts ME GEORGE OGILVIE eldest lau^{ll} sone to Sir William Ogilvie of Barras kngt & barronet fforsuameikle as my s^d father stood engaged and obleist to haue infest and secured me for the towne & lands of Kinghornie pñts pendicles & pertinents y^{rof} lyand within the parochin of Catterline & shereffdome of Kincardine att leist to haue maid furth cumand to me the true rate & pryce y^{rof} as

the samen sould happine to be sold at the best advantage
 AND SEEING that my s^d father hes (for implement
 of his obleishments granted y^ranent) pñtly fred and
 exonered me (as his apperand aire) of and frae all pay^t
 of the soume of sex thowsand sex hundreth merks Scotts
 môe dew & lyable to be peyed to Margaret Ogilvie his
 eldest laull daughter q^rwith the lands of Barras would
 haue bein truly affected and burdened and remained as
 a debt dewly proper & lyable to haue bein peyed by me
 or q^tsomever persone succeding y^runto THERFORE
 to haue exonered quyt claimed & simpl^r dischairged
 lykas I be thir pñts exoner quyt claime & simpl^r dis-
 chairge the s^d Sir W^m Ogilvie his airs exërs & all ethers
 his representatives of the forsd soume of sex thowsand
 sex hundreth merks môe forsd as the true value rate and
 pryce of the s^{ds} lands of Kinghornie disponed be my s^d
 father and me to William Raitt of Halgreine and of all
 oblieshments contracts agreements and promiseiss maid
 and past y^ranent of q^tsomever dates tennors or contents
 the samen be of with all the circumstances and condions
 relateing y^runto renunceand all actione instance and
 executione competent or that may be competent to me
 my airs or exërs y^rfor in all tyme comeing AS ALSO
 I for me and my forsd heirby exoner & simpl^r dischairge
 my s^d father and his representatives of all airship mow^{bls}
 that can any wayes befall to me be or throw his deceis
 except allenarllie the p^{tlar} airship pieces & ether mow^{bls}
 contained in the dispositione made be him to me y^rof
 dated the third day of ffebrij jai vjc & ffour score tue
 yeres wherunto I declare myselfe to be altogether re-
 stricted and sall adheare to the samen under the hail
 clauses conditions and reservations y^rin exprest q^{lk} dis-
 chairge I obleis me & my forsd to wyrand acquyet &
 defend to be good valeid effectual and sufficient to my
 s^d fath^r & his forsd at all hands and ag^t all deadly as

law will consenting for the mair security that thir pñts be insert & regrat in any lau^{ll} Register within this Kingdome y^{rin} to remaine ad futuram rei memoriam And for that effect constituts

my lau^{ll} prōrs etc In witnes q^{ro}f I haue sub^t thir pñts (writt by James Mylne Servitor to Andrew Strachine Shereff Clark of Kincardine) with my hand at Barras the 8 day of August jai vjc & ffourscore ffour yeirs before thir witness M^r James Honyman Minister at Kinneffe¹ and Walter Innes in Middtoun of Barras

GEORGE OGILVY

M^R JAMES HONYMAN Witnes

WALTER INNES Wittnes

Abstract.—DISCHARGE by George Ogilvy yr. of Barras to Sir William Ogilvy of Barras Knight and Baronet, whereby in consideration that the said Sir William was bound to infest the said George in the town and lands of Kinghornie in the Parish of Catterline and Sherifffdom of Kincardine or to make forthcoming the price thereof; and having freed the said George (as apparent heir) of the payment of 6600 merks Scots money payable to Margaret Ogilvy, his eldest daughter, secured on the lands of Barras, the said George discharges Sir William of said sum of 6600 merks as the value of said lands of Kinghornie disposed by his father and him to William Rait of Halgreine, and also discharges his father of the heirship moveables due by or through his decease, except those contained in Disposition of date 3rd February 1682 by Sir William to George. Subscribed at Barras the 8th day of August 1684.

¹ Son of David Honyman, baker, in St. Andrews, and brother of Andrew, Bishop of Orkney. He was ordained to Kinneff in 1663, and died 25th May, 1693.—Scott's "Fasti."

XXIX

Accompt off ye Dañiage gilk Sr William Ogilvy and his Tennents did sustaine be ye Hiland army in ye year of God jai vjc and nyntie.

Att Barras ye twenty fourth day of Julij jai vjc & nyntie three years In presence of me Mr James Reith of Achorsk sheriff Deput of Kincardine under subscriv- ing Compeired before me att ye Manner place of Barras Sr William Ogilvy of Barras being valitudinarie and not able to come to ye tolbuith of Stonhyve & ye persones afternamed tennents to ye s^d Sr William q^o gave up to me ye list aftermeñt of ye horss armes cloathes houshold plennishing ready mœe and oth^r goods and geir ffollow- ing q^{ch} they affirmed were taken away from y^m be ye hiland army in ye beginning of Harvest jai vjc and nyntie years Ilk ane of y^m for y^r own pairtes as is after divided and q^rupon they offered to make faith before me on all ye particulars and prycles q^rof aftermeñt, To witt

The s^d Sr William Ogilvy had taken from himself sex horses, q^rof three saddle horses worth ffyve hundreth merks, and ye oth^r three horses worth fourtie four pounds, of ready mœe ane hundreth merks, fyve saddles q^rof ane English w^t ye furnitar worth thirtie shillings sterling, and ye oth^r four w^t ye furnitar worth tvelve shillings sterling ye peice overhead, Three fouling peices, worth twenty four pounds scots, three pair of pistols, q^rof on pair worth thirtie shillings sterling, and ye oth^r tvo pair worth ten pounds ye pair Extending in all in Scots mœe to

Lib: s d
552 16 0

Item William Dorvard in Midletoun of Barras had taken away from him be ye

forsd armie ane hors and ane mear to y ^e value of ffour score merks, and an oth ^r hors worth fyftie pounds, and bed plaids and oth ^r houshold plennishing worth twenty pounds Scots Extending in all to	Lib: s d 123 06 08
It: James Thomsone in East toun ane mear staige worth thirtein pounds six shill: eight pennies, and houshold plenn- ishing to y ^e value of sixteen pounds Inde of all	29 06 08
It: Archibald Collie, Cotter in Bridg- foord of cloathes and mœe tvelve pound Scots	12 00 00
It: Walter Innes in Midtoun ane young mear worth twenty merks and of ready mœe three fourtein shilling peices Inde of all	15 08 08
It: Rob: Smith y ^r of cloathes and oth ^r houshold plennishing worth thirty three pounds six shill: eight pennies Inde	33 06 08
It: James Duncan gairdner in Bridg- foord of cloathes and oth ^r houshold plen- nishing worth eightein pounds	18 00 00
It: John Hamiltone in Milne of Barras ane gunne with tvo swords and some houshold plennishing worth twenty six merks Inde in all	17 06 08
It: Andrew Kemlo y ^r , houshold plennishing worth fyftie tvo shillings Inde	02 12 00
It: John Preslie in Bruxiesyd tvo staigs worth twenty four pounds and houshold plennishing worth eighteen pounds Inde in all	42 00 00

It: Rob: Beattie in y^e Maines ane hors
worth tventy four pounds and of houshold
plennishing worth fyve pounds, and of
m^õe seven pounds Inde of all Lib: s d
36 00 00

It: Thomas Lundie pendickler¹ in
East toun eleven pounds eight shillings of
m^õe, Inde 11 08 00

It: David Findlo in Maines of Barras
eight merks of m^õe and houshold plen-
nishing worth seven pounds Inde 12 06 08

It: Andrew Chalmer in y^e forsd
Maines houshold plennishing and cloathes
worth six pounds ten shill: Inde 06 10 00

It: James Forbes pendickler in Midle-
toun ane hors worth tventy two pounds
and ane pair of shoes worth half ane
Dollar 23 08 00

It: Rob: Moonlight, Cotter in Mid-
toun, ane hors and ane pair of shoes
worth sixtein merks Inde 10 13 04

It: Rob: Forbes in Sillieflat ane hors
worth tventy merks Inde 13 06 08

It: John Baird pendickler in Bridg-
foord three horss worth ane hundreth
merks, fourty merks of m^õe and of hous-
hold plennishing worth tventy merks
Inde in all 106 13 04

It: Catherine Moncure relict of umq^{ll}
Rob Moncur sometyme Smith in Bridg-
foord ane hors worth tventy four pounds,
seven pounds of m^õe, and houshold
plennishing worth fyve pounds Inde in
all 36 00 00

¹ *Pendickler* : an inferior tenant.

It: William Goodfellow falconer to y^e
 s^d Sr William of houshold plennishing Lib: s d
 cloathes and oth^r geir worth twenty merks 13 06 08

This is y^e just account of y^e horses
 armes cloathes houshold plennishing redie
 mōe and oth^r goods and geir taken away
 from y^e s^d Sr William Ogilvy and his
 tennents before named be y^e hiland army
 y^e tyme forsd q^rupon they offered to make
 faith before me as to y^e partes and pryces
 y^rof as wittneseth my hand place day Summa
 moneth and year of God aboue w^rine— 1116 09 08

J. KEITH.

XXX

Discharge—Mr David Guthrie to Sir David Ogilvie.

ATT EDINBURGH the eighteen day of June jai
 vijc & fourteen years In pⁿce of y^e Lords of Council &
 Session Compeared Mr Mathew McKell advocat as prōr
 for the after design'd & sub^ting David Guthrie & Jean
 Ogilvy & gave in the discharge underw^rne desiring y^e
 same to be regret in y^e books of Council & Session to
 receive all execution needfull in manner y^rinment^t which
 desire y^e s^ds Lords found reasonable & y^rfor ordain y^e
 same to receive all execution needfull accordingly of y^e
 q^{ch} discharge y^e tenor follows BE IT KNOWN to all
 men by these pⁿtts me Jean Ogilvy sister german to Sir
 David Ogilvy of Barras & spouse to Mr David Guthrie
 of Carsbank w^t y^e sp^eal advice & consent of y^e s^d Mr
 David Guthrie my husband & I y^e s^d Mr David for my
 interest for all right title interest & claim of right q^{ch} I
 have or can pretend to subject afterment^t jure mariti or
 oth^r ways w^t y^e advice & consent of my s^d spouse & as
 taking burden on me for her & wee both of one mind

consent & assent For as much as ye s^d Sir David Ogilvy my brother by his bond of provision subscribed by him of ye date ye day of July jai vij^e & seven years bond & oblidge him & his y^rinment to have payed to me ye s^d Jean Ogilvy ALL & HAILL ye sume of four thousand merks Scots mōe & y^t at ye term w^t annulrent & liq^t expenses as is ment^t in ye s^d bond of provision as ye samen of ye date forsd at mare length bears AND NOW SEEING ye s^d Sir David Ogilvy has satisfied us of ye forsd sume at least given sufficient security y^rfor to us in lifrent & our childeren procreat or to be procreat in our marriage in fie to our contentment y^rw^t we hold us well content & satisfied renouncing all exceptions & objections of the law in ye contrair to have exonerd quitt claimed & simp^r discharged lykeas wee both of one mind consent & assent as s^d is exoner quitt claim & simp^r discharge the s^d Sir David Ogilvy his heirs or exōrs of ye forsd bond of provision & heall sumes prin^{ll} bygane annulrent & liq^t expenses y^rin cont heall heads tenors & content y^rof w^t all y^t has followed or may follow y^rupon together w^t all action instance & execution competent or y^t may be competent to me ye s^d Jean or to me ye s^d Mr David Guthrie her husband for my interest any manner of way for now & ever and by these pñtts bind & oblidge us conlie & sealie both w^t one mind & consent as s^d is not only to reiterate & renew these pñtts as oft as need beis but allso to warrand acquite & defend ye samen att all hands & ag^t all deadly LYKEAS we hereby warrand & give power to ye s^d Sir David to get up & receive from ye Lady Barras mother to US ye s^d Sir David & Jean Ogilvies ye forsd bond of provision to be kepted & used by him cancelled or oth^rways destroyed as he shall think fitt & for ye mare security wee are content & consent y^t these pñtts be insert & regrat in ye books of Council & Session or

oy^{rs} competent w^{tin} this Kingdome to receive all execution needfull in fform as effeirs & y^rto wee constitute Mr Mathew McKell advocat our pr^{or} IN WITNESS QROF we have subscryved these p^{ntts} (w^{rne} by John Ogilvy writer in Forfar) at fforfar y^e first day of June jai vije & ten years before these witnesses John Lindsay y^{or} of Pitscandly William Ure Baillie of Forfar & y^e s^d John Ogilvy sic subitur Da: Guthrie Jean Ogilvie Jo: Lindsay Witnes: Will: Ure Witnes Jo: Ogilvie witness ffollows ane iudiciall ratification w^{rne} on Y^e back of y^e above w^{rne} discharge

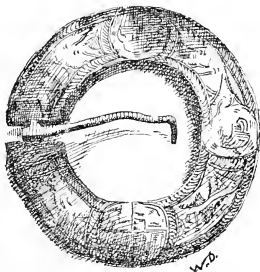
Court of y^e Burgh of fforfar holden w^{tin} y^e dwelling house of John Ogilvy writer y^r be William Ure one of y^e p^{ntt} baillies of fforfar upon y^e first day of June jai vije & ten years q^rto y^e s^d John Ogilvy notar publick is clerk & Thomas Webster officer Court laullie fenced q^{ch} day in p^{nce} of y^e s^d baillie compeared perly y^e w^{tin} named Jean Ogilvy & y^{er} furth of y^e presence of her husband w^{tin} designed ratified & approved of y^e w^{tin} w^{rne} discharge & declared upon her great oath y^t she was no ways coacted nor compelled to y^e granting & subscryving y^rof & y^t she shoud never come to y^e contrair quarell nor impugn y^e samen in judgement or out w^t y^e same in time coming q^rupon y^e s^d Sir David Ogilvie w^{tin}named asked & required instruments & act of Court In testimony of this p^{ntt} act y^e same is signed by y^e s^d Jean Ogilvy baillie & clerk forsd sic sub^t Jean Ogilvy Will: Ure Jo: Ogilvie Cls: Extract: per me

JOHN JUSTICE

Abstract.—DISCHARGE by Jean Ogilvy, sister German to Sir David Ogilvy of Barras and spouse to Mr David Guthrie of Carsbank, and by said David Guthrie, in favour of said Sir David, of Bond of Provision dated July 1707 in favour of said Jean Ogilvy for

payment of 4000 merks, said Sir David having satisfied them of the foresaid sum or at least given sufficient security therefor to them in liferent and their children in fee. Dated at Forfar the 1st day of June 1710.

There follows judicial ratification of said Discharge by the said Jean Ogilvy outwith the presence of her husband.



Celtic Brooch found at Lumgair in 1888.

GENEALOGY OF THE FAMILY OF OGILVY OF BARRAS.

This Genealogy is based on that of G. E. C.'s "Complete Baronetage," which, though necessarily incomplete, affords by far the most reliable account of the Ogilvies of Barras which has hitherto been published. A register of births and marriages, compiled by Sir William Ogilvy, second Baronet, and continued by his son, Sir David, occurs among the papers in possession of the Rev. William Disney Innes, and has enabled us not only to confirm G. E. C.'s statements as to the alliances contracted by these members of the Barras family, but to furnish a complete record of their immediate descendants. Additional information has been gleaned from the documents printed in the present volume, from the Parish Registers of Kinneff, and other sources. For all new matter introduced the requisite authorities are cited.

The Ogilvies of Barras claim descent through Andrew, brother of John Ogilvy of that ilk,¹ from Gilbert, son of Gilchrist, Earl of Angus, who, if we accept the authority of a MS. genealogy, preserved among the "Barras Papers," and purporting to have been compiled in the reign of Henry VIII, had married Maud, sister of William the Lion. "Off this Gilbriedie," we are told, "cam the surname of the Ogilvyis Be reason of y^e landis of the Glen of Ogilvy, and is descendit of y^e hous of Power many guid houss".²

The immediate progenitor was William, second son of John Ogilvy of Balnagarrow, in Forfarshire, whose wife was the only daughter of James Ogilvy of Balfour. This William came to Dunnottar as a boy in the train of his kinswoman Dame Margaret, daughter of the fifth Lord Ogilvy of Airlie, and second wife of George, fifth Earl Marischal. From the seventh Earl, William, in 1643, acquired in wadset the lands of Lumgair, a purchase which may be said to have secured the permanent settlement of the family in the Mearns. He married Catherine, daughter of Strachan of Bridgeton, and widow of

¹ *Supra*, p. 265.

² We have not printed this document, which is concerned with the senior branches of the house of Ogilvy, and is of too remote a date to claim our interest. Cf. with its account of the origin of the Ogilvies, "The Scots Peerage," Vol. I, pp. 106 and 160.

Patrick Anderson of Uras.¹ The tombstone of William Ogilvy and his wife in Dunnottar Church bears that "he being 76 yeirs of age, he departed this lyef in Peace, 6 Janr. 1650, and shee being 89 yeirs of age departed this lyef the 28 of Febr. 1651." Issue—

GEORGE, first Baronet of Barras.

I. SIR GEORGE OGILVY, first Baronet, "a soldier of experience trained in the wars in Germany," had a Commission from the Earl Marischal, dated at Aberdeen, 22 July, 1640, wherein he was designed "George Ogilvy of Pitdovie."² The lands of Pitdovie, or, as they are alternatively styled, Baldovie, were disposed of three years later,³ and, in 1648, he purchased from the Curators of his deceased brother-in-law the estate of Wester Barras.⁴ He was nominated a member of the Committee of War for Kincardineshire in 1647.⁵ Appointed Governor of Dunnottar Castle in July, 1651, he held it against the forces of the commonwealth till 24 May, 1652, and in recognition of his "eminent services done and performed" on that occasion, whereby the Regalia of Scotland were preserved from falling into the possession of the English Parliament, was subsequently created a Baronet by patent dated at Whitehall, 5 March, 1661.⁶ In 1667 he was selected as a Commissioner of Supply for the County.⁷ He died after 11 August and before 2 December, 1679, and was buried at Kinneff. Sir George married

- (1) *Elizabeth* (contract dated 31 January, 1634),⁸ daughter of Mr. John Douglas of Barras, younger son of William, ninth Earl of Angus, and co-portioner with his brother, Mr Gavin, of the lands of Barras, by Jean Fraser, a member of the Durris family. She died April, 1656,⁹ and was buried at Caterline.¹⁰ Issue—

WILLIAM, second Baronet.

- (2) *Margaret* (contract dated 3 October, 1656),¹¹ daughter of Robert Arbuthnott of Fiddes, and widow of Robert Arbuthnott of Caterline, who died without issue, November, 1689.¹²

II. SIR WILLIAM OGILVY, second Baronet, succeeded his father in 1679, and in March of that year purchased from Robert

¹ *Supra*, p. 283. ² *Ibid.* p. 203.

³ *Ibid.* p. 298. ⁴ *Ibid.* p. 304.

⁵ "Acts of the Parliaments of Scotland," Vol. VI, Pt. I, p. 815.

⁶ *Supra*, p. 158.

⁷ "Acts of the Parliaments of Scotland," Vol. VII, p. 543.

⁸ *Supra*, p. 279. ⁹ *Ibid.* p. 327.

¹⁰ Napier's "Stonehaven and its Historical Associations," 1869,

¹¹ Innes' "Ogilvy Papers."

¹² St. Andrews Commissariat.

Douglas, grandson of Mr. Gavin above named, the lands of Bridgeford, conveying to him in turn the wadset of Lungair.¹ He was buried at Kinneff, 25 July, 1707, having married

- (1) *Margaret* (contract dated at Aberdeen, 27 September, 1655),² daughter of John Forbes of Leslie, and widow of Sir George Turing, younger of Foveran. There remains an interesting letter written by Sir William to his father and bearing upon the preparations for this marriage. It is dated from Aberdeen, 17 October, 1655.³ Issue—

George, born 24 August, 1656. He is described in deeds drawn up in 1684 as eldest lawful son to Sir William Ogilvy of Barras,⁴ but predeceased his father, dying before 25 July, 1690.⁵

Two sons and a daughter were subsequently born of this marriage, but all died in infancy.⁶

- (2) *Mariorie*, daughter of William Rait of Halgreen, who died in childbed.⁷ Issue—

Margaret, born 18 June, 1664,⁸ married to John Ogilvy of Pitmuir.⁹

- (3) *Isobel* (proclamation of banns, 2 August, 1668),¹⁰ daughter of Sir John Ogilvy of Innerquharity by Anne, daughter of Sir Alexander Irvine of Drum. She survived her husband, having died subsequent to 1714. Issue—

1. *DAVID*, third Baronet.

2. *William*, born 20 July, 1670, died young.¹¹

3. *John*, born 6 September, 1671,¹² followed the profession of the Law in Edinburgh.¹³

4. *James*, born August, 1675, died young.¹⁴

5. *William*, born 21 August, 1679,¹⁵ also a Lawyer in Edinburgh.¹⁶ He married (proclamation of banns, 5 November, 1727)¹⁷ Mary, daughter of John Gordon of Braickley, and relict of Mr. Isaac Fullerton, Advocate.¹⁸ Issue—

Margaret.¹⁹

¹ Innes' "Ogilvy Papers."

² *Ibid.*

³ *Supra*, p. 316.

⁴ *Ibid.* p. 344.

⁵ Kincardineshire Sheriff Court, "Reg. Prob. Writs," 14 September, 1693.

⁶ Innes' "Ogilvy Papers."

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Nisbet's "Heraldry," Vol. II, Ap. p. 224.

¹⁰ Kinneff Parish Register.

¹¹ Innes' "Ogilvy Papers."

¹² *Ibid.*

¹³ *Supra*, p. 224.

¹⁴ Innes' "Ogilvy Papers."

¹⁵ *Ibid.*

¹⁶ *Supra*, p. 181.

¹⁷ Kinneff Parish Register.

¹⁸ Nisbet's "Heraldry," Vol. II, Ap. p. 224.

¹⁹ *Ibid.*

6. *James*, born 7 October, 1680,¹ went to sea and was swept overboard and drowned in a gale off Aberdeen in January, 1703.²
7. *Charles*, born 21 July, 1683,³ Ensign in the Hon. Colonel Thomas Merrydeth's Regiment of Foot, 4 November, 1703.⁴
8. *Isobel*, born 23 October, 1672, died in infancy.⁵
9. *Helen*, twin sister of preceding, married (contract dated 11 February, 1698)⁶ John Lindsay of Pitscandly, and was alive on 14 September, 1731.⁷
10. *Elizabeth*, born 7 January, 1674.⁸
11. *Isobel*, born 2 August, 1676.⁹
12. *Jean*, born 7 September, 1677,¹⁰ married Mr. David Guthrie of Carsebank, and was alive on 18 June, 1714.¹¹
13. *Marjorie*, born 29 May, 1682.¹²

III. SIR DAVID OGILVY, third Baronet, born 6 June, 1669, succeeded his father in 1707. On 30 July, 1702, he was found liable by the Scottish Privy Council in a fine of 1200 pounds Scots, and pending payment ordained to be committed prisoner to Edinburgh Tolbooth, "and further to remain there during the Council's pleasure," for libelling John Keith, first Earl of Kintore, in a pamphlet entitled "A True Account of the Preservation of the Regalia of Scotland."¹³ Sir David, who died at Barras, April, 1738, married

- (1) *Susanna*, daughter of Robert Scott of Benholm, 2 August, 1705.¹⁴ Issue—

1. WILLIAM, fourth Baronet.

2. *Katherine*, born 4 September, 1707;¹⁵ married Hercules Taylor, younger of Borrowfield.¹⁶

- (2) *Jean*, daughter of the deceased George Ross of Clochan, Merchant Burgess of Aberdeen, and niece of John Ross of Arnage,¹⁷ 12 April, 1711.¹⁸ Issue—

1. *David*, born 22 May, 1713, died young.¹⁹

2. *Isobel*, born 4 February, 1712.²⁰

¹ Innes' "Ogilvy Papers."

² *Supra*, p. 216.

³ Innes' "Ogilvy Papers."

⁴ "Barras Papers."

⁵ Innes' "Ogilvy Papers."

⁶ Kincardineshire Sheriff Court Records.

⁷ *Ibid.*

⁸ Innes' "Ogilvy Papers."

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Supra*, p. 350.

¹² Innes' "Ogilvy Papers."

¹³ Bannatyne Club, "Papers Relative to the Regalia of Scotland," Ap. IV, p. lxxviii.

¹⁴ Innes' "Ogilvy Papers."

¹⁵ *Ibid.*

¹⁶ Nisbet's "Heraldry," Vol. II, Ap. p. 224.

¹⁷ Aberdeen, "Register of Sasines," 12 April, 1711.

¹⁸ Innes' "Ogilvy Papers."

¹⁹ *Ibid.*

²⁰ *Ibid.*

3. *Elizabeth*, born 30 July, 1714:¹ married, in 1738, Patrick Anderson of Bourtie.²
4. *Mary*, born 1 August, 1715.³
- (3) *Anna*, daughter and co-heiress of Mr. John Guthrie of Westhall, Advocate, 14 August, 1718.⁴ She survived her husband. Issue—
 1. *John*, born 24 March, 1720.⁵
 2. *David*, born 26 January, 1725:⁶ served heir to his grandfather, John Guthrie of Westhall, 8 March, 1750.⁷
 3. *James*, born 29 June, 1727,⁸ was resident in Dundee, 21 August, 1761.⁹
 4. *Anna*, born 5 May, 1721,¹⁰ died before 9 February, 1771.¹¹
 5. *Margaret*, born 22 October, 1722.¹²
 6. *Helen*, born 18 December, 1723.¹³
 7. *Susanna*, born 11 September, 1728,¹⁴ married Rev. James Ogilvy of Westhall, Minister of Eassie, and died at Edinburgh, 15 February, 1815.¹⁵

IV. SIR WILLIAM OGILVY, fourth Baronet, was baptized 6 June, 1706.¹⁶ From the Justice of Peace Records of Kincardineshire we learn that for many years he took an active part in County administration. He died towards the end of October, 1791.¹⁷ Sir William married

- (1) *Elizabeth* (prior to 23 January, 1729),¹⁸ daughter of the second Robert Barclay of Urie, who died before 15 October, 1731. Issue—
 1. DAVID, fifth Baronet.
 2. *John*, born in 1730.
- (2) *Anne* (proclamation of banns, 14 May, 1732),¹⁹ daughter of the deceased Mr. Isaac Fullerton of Charleton, Advocate, who died 30 January, 1786.²⁰ Issue—
 1. *William* of Newtonmill, died unmarried, 20 March, 1817, aged 71 years, and was buried at Stracathro.²¹

¹ Innes' "Ogilvy Papers."

² Davidson's "Inverurie and the Earldom of Garioch," p. 368.

³ Innes' "Ogilvy Papers."

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.* ⁷ Service of Heirs.

⁸ Innes' "Ogilvy Papers."

⁹ "Barras Papers."

¹⁰ Innes' "Ogilvy Papers."

¹¹ Brechin Commissariat.

¹² Innes' "Ogilvy Papers."

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Aberdeen Journal.

¹⁶ Kinneff Parish Register.

¹⁷ Service of Heirs.

¹⁸ Kinneff Parish Register.

¹⁹ *Ibid.*

²⁰ Jervise's "Epitaphs," Vol. II, p. 240.

²¹ Monument in Stracathro Churchyard.

2. *Mary*.¹
3. *Susanna*, died at Barras, 1781.²
4. *Isobel*.³
5. *Catherine*, died unmarried at Newtonmill.⁴
6. *Elizabeth*.⁵

V. SIR DAVID OGILVY, fifth Baronet, born in 1729,⁶ was an Officer of Marines, and retired on full pay with rank of Major. He died 5 December, 1799, and was buried in Kinneff.⁷ Sir David married

Jane (c. 1770), daughter of John Benger of Devizes, who died 17 January, 1800, aged 53.⁸ Issue—

1. GEORGE MULGRAVE, sixth Baronet.
2. *William Barclay Capel*, died in boyhood.
3. *Sarah Susanna*, died unmarried.⁹
4. *Jane Benger*, married (3 August, 1802) Captain Alexander Livingston,¹⁰ and had issue; their grandson, Rev. Samuel Ogilvy Baker, being the present owner of the "Barras Papers."
5. *Mary Barclay*, married in September, 1811, Rev. Christopher Capel, eldest son of William Capel of Prestbury,¹¹ and had issue.
6. *Catherine Anne*, died 25 February, 1812, aged 28.¹²

VI. SIR GEORGE MULGRAVE OGILVY, sixth Baronet, born 10 August, 1779, was served heir to his father, 2 September, 1803, as "only lawful son now in life of the deceased Sir David Ogilvy."¹³ In the same year he sold the Barony of Barras to John Ramsay, who, three years later, disposed it to the Tutors and Curators of Miss Eleonora Allardyce of Dunnottar (afterwards Countess of Cassillis), and they, in 1835, to the Trustees acting under the will of James Donaldson, Edinburgh. Sir George had served for some time in the Army where he attained the rank of Captain. He died unmarried at Newtonmill, Stracathro, 9 March, 1837, when the Baronetcy became extinct or dormant.

¹ Nisbet's "Heraldry," Vol. II, Ap. p. 224.

² "Kincardineshire Sheriff Court Records," Testament of Susan Ogilvie.

³ Kincardineshire Sheriff Court Records.

⁴ MS. "Genealogy," compiled by Rev. S. O. Baker.

⁵ Jervise's "Epitaphs," Vol. II, p. 240.

⁶ Monument in Kinneff Church.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ "Kincardineshire Sheriff Court Records," Testament (as above).

¹⁰ Register of Marriages of Stonehaven Episcopal Church.

¹¹ Aberdeen Journal, 18 September, 1811.

¹² Jervise's "Epitaphs," Vol. II, p. 240.

¹³ "Kincardineshire Sheriff Court Records," Service of Heirs.

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